

PLANNING APPLICATION NUMBER:P12/1042

Type of approval sought	Outline Planning Permission
Ward	St Thomas's St James's
Applicant	Avenbury (Dudley) Ltd
Location:	LAND BETWEEN, BIRMINGHAM STREET, HALL STREET, DUDLEY SOUTHERN BYPASS,, CLAUGHTON ROAD AND PORTERSFIELD, DUDLEY, WEST MIDLANDS
Proposal	REDEVELOPMENT TO PROVIDE RETAIL SUPERSTORE (A1), FURTHER RETAIL, SERVICE AND LEISURE ACCOMMODATION (A1, A3, D2), CONVERSION, REDEVELOPMENT AND ALTERATION OF PREMISES ALONG HALL STREET TO ACCOMMODATE A1, A2, A3, A4, A5, B1 USES, TAXI RANK AND OFFICE, TRANSPORT INTERCHANGE, PUBLIC SPACE, PETROL FILLING STATION, HIGHWAYS AND ACCESS WORKS, CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (OUTLINE)(ACCESS TO BE CONSIDERED) (AMENDED PROPOSAL)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site is approximately 4.27 hectares in area and is bounded by Duncan Edwards Way (the Dudley Southern Bypass) to the south, Birmingham Street to the north, Hall Street to the west and St Joseph Street / Claughton Road North to the east. There are numerous roads within the site (Porter Street, Little Street, Hall Street, Birmingham Street, Portersfield, Trindle Road and Claughton Road South) and a designated footpath (Phoenix Passage) which provide internal access to existing buildings only.

2. The site has a significant variation in levels across it, running from north to south and east to west. Trindle Road forms the central spine running through the site and acts as a barrier between the eastern part of the site and the rest of the Town Centre. The main existing building at the site is Cavendish House, a vacant eight

storey former office building accessed from Trindle Road and Porter Street which sits at an elevated level above the Bypass and is separated from it by a landscaped embankment. There is a row of terraced properties along Hall Street and Trindle Road, comprising of property stock of circa late 18th Century / early 19th Century and 20th Century. Most of these properties are vacant and in generally poor condition - this part of the site falls within Dudley Town Centre Conservation Area.

3. A triangular section of land is located in the north-west part of the site, north of Trindle Road and also falls within Dudley Town Centre Conservation Area. This is currently occupied by the vacant and fire damaged Metro Bar. This building is identified as a Heritage Asset by the Council (recorded on the Council's Historic Buildings Sites and Monuments Record under HBSMR 12898). Along Porters Field, and to the rear of the Metro Bar, are a number of small single storey units which are occupied by a taxi firm and Indian restaurant. The final portion of this triangle site is made up of the bus layover area. This parcel of hardstanding is used by waiting buses and provides parking for shoppers at weekends. On the opposite side of Porters Field is a piece of land currently used as a car park for town centre shoppers. It is of a relatively uneven surface and provides no amenity in the area.
4. The application site is located within the 'Cavendish Quarter' regeneration area (as defined in the Dudley Town Centre Area Development Framework) to the south east of Dudley town centre. The site is situated on the eastern fringes of the town centre and is linked to it by the Churchill Precinct shopping centre and Birdcage Walk. Immediately to the north-west is Dudley Bus Station whilst Cousin's furniture store is located on the opposite side of Hall Street. To the north east of the site on Trindle Road is a Vauxhall Motors dealership (Dudley Motors). The north eastern corner of the site is currently being used by the dealership for the temporary parking of vehicles. Access to this part of the site is via Claughton Road which also provides direct access to the pedestrian footbridge which runs across the Southern Bypass. Immediately to the south east of the site is located the Hall Street bridge over the Bypass which connects Kates Hill to the town centre. The nearest residential dwellings are in Kates Hill on the opposite side of the Bypass, to the south-east.

5. Within the vicinity of the site and fronting both Trindle Road and St Joseph Street is the local landmark building of the Grade II Listed Building of 'Our Lady and St Thomas Church' to the north-east of the site and recorded on the Council's Historic Buildings Sites and Monuments Record under HBSMR 1011.

PROPOSAL

6. This application seeks outline approval (only Access to be considered at this time) with all other matters (Layout, Scale, Appearance and Landscaping) reserved for subsequent consideration for the construction of;
- A 7,432 sq. metre foodstore with a circulation core of 555 sq. metres;
 - A mixed use block of up to 5,575 sq. metres to accommodate non-food retail, and potentially including D2 (gym) and / or A3 (restaurants and cafes) uses;
 - Part retention and enhancement, and part replacement, of Hall Street units to accommodate A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food takeaways) and B1 (business) uses;
 - Part undercroft and part decked car park;
 - Petrol filling station;
 - Realignment of Trindle Road to follow the line of the Southern By-pass and form a new junction with Hall Street / Dudley Row;
 - Public squares providing connectivity between the site and the rest of the town centre; and
 - Transport interchange, including provision for forthcoming metro link, and connectivity with the bus station.
7. The proposed foodstore would be situated to the southern end of the site. It would be located parallel to Hall Street and front on to the proposed new public square. This would be adjacent to the existing retail core of Dudley Town centre. This would provide an active frontage on to the public square and would encourage linked trips between the scheme and the town centre.

8. Some of the existing properties on Hall Street would be retained and improved, and replaced in part, in order to enhance the character of this part of the Conservation Area. These properties would allow for occupation by a mix of uses including A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food takeaways) and B1 (business) uses.
9. To the north of the proposed foodstore would be a two storey mixed use building. This would provide non food retail which would improve the vitality and viability of the town centre. It would also allow for the prospect of a gym to be accommodated within the building to expand the leisure provision in the town centre in this highly accessible location. A large format restaurant would also be allowed for in this building; this would enhance the night time economy and also offer a unique restaurant space which is currently not available within the town centre.
10. At the northern end of the site would be a petrol filling station. This would provide easy access and egress for vehicles from the rerouted Trindle Road and also allow access directly from the foodstore. It is anticipated that this facility would provide 6 island pumps, a small kiosk and other associated facilities.
11. A new public space would be located adjacent to the Grade II listed church. This would provide sufficient distance from the petrol filling station but would also provide an attractive, pedestrian friendly space that would enhance the setting of the church. This would protect the built environment and also benefit the church by improving its setting and avoiding any conflict between new development.
12. To the rear of the retail unit would be a double level car park which would include parking provision under the store itself. This would include dedicated parking for the disabled, parent and child and cycle parking. This large car park would be accessible from Trindle Road. A taxi office would also be provided to replace the existing taxi operation on the site.

13. The application is accompanied by the following surveys / reports:
 - Design and Access Statement
 - Transport Assessment and Framework Travel Plan
 - Planning and Retail Statement
 - Ecological Assessment (Phase 1)
 - Tree Survey
 - Heritage Statement
 - Flood Risk Assessment
 - Noise Assessment
 - Energy Assessment
 - Geo-Environmental Assessment
 - Statement of Community Involvement

14. In accordance with Article 5 of the Environmental Impact Assessment (EIA) Regulations 2011, the Local Planning Authority adopted a Screening Opinion at the pre-application stage. The Screening Opinion considered and determined whether the proposed development would constitute EIA development as set out by the Regulations and therefore require the submission of an Environmental Statement with a planning application submission.

15. In providing the Screening Opinion, the Local Planning Authority had regard to the provisions of the Regulations and guidance provided in Circular 2/99 (Environmental Impact Assessment) as well as to the characteristics of the site, the scale and nature of the proposed development.

16. The proposal falls within the description of development as set out within Section 10 (b) of Schedule 2 of the Regulations being defined as an 'Urban Development Project' The site does not fall within a 'sensitive area' within the context of the Regulations 2011 but due to the size of the site (exceeding 0.5ha) consideration must still be given as to whether the proposed development would likely to have significant environmental effects.

17. In determining whether the proposed development would have significant environmental effects consideration was given to the criteria set out in Regulation 4 (6) and to the advice set out in Paragraph 33 of Circular 2/99 which states that an ES would normally only be expected to be submitted as a part of a planning application where;
 - It was a major development of more than local importance;
 - The development was proposed within an environmentally sensitive location related to developments with unusually complex or potential hazardous environmental effects.
18. Annex A to Circular 2/99 provides further advice as to the need for EIA with respect to Schedule 2 development with Paragraphs A18 and A19 providing specific advice regarding urban development projects and Schedule 3 of the Regulations setting out criteria to be considered in terms of the characteristics of the development, location of development and characteristics of the potential impact.
19. Having regard to the legislative background and context, the Local Planning Authority considered that development would not be of more than local importance and that the site is not within an environmentally sensitive area as defined by the Regulations. The site constitutes previously developed land located within Dudley Town Centre that has been designated for redevelopment within the Adopted Dudley Unitary Development Plan (UDP) and the subsequent Dudley Area Development Framework (ADF).
20. The potential environmental effects of the proposed development during the demolition and construction phase would largely relate to noise, dust and vibration and the potential risk of groundwater from working with contaminated soils and the possible disturbance of archaeological remains. During the operational phase of the development, the environmental effects are likely to relate to increased vehicle movements and changes with respect to noise and air quality.

21. The main environmental effects of the proposed development would relate to traffic, air quality, noise, ground water and archaeology. The Local Planning Authority considered due to the scale, nature, characteristics and non-environmentally sensitive location of the site, that the potential environmental impacts would not individually or cumulatively require the submission of an ES as part of a planning application submission.

22. This application should also be considered with the accompanying Conservation Area Consent Application (P12/1043) which has been submitted in parallel to this application and that is also on this Agenda.

23. Due to the works required, the applicant is also seeking permission to enter in a Section 247 agreement under the Town and Country Planning Act 1990, to modify / divert / extinguish highways, in or around the site.

HISTORY

Application Site

APPLICATION No.	PROPOSAL	DECISION	DATE
P08/1132	Demolition of existing building and erection of Health Centre (D1) with ancillary offices, crèche, pharmacy and meeting and training facilities together with associated access car parking and landscaping (Outline) (access, appearance, layout and scale to be considered) (resubmission of withdrawn application P08/0578)	Approved with conditions	September 2008
P08/1133	Demolition of existing building and erection of new office building (B1a) with associated access, car parking and landscaping (Outline)	Approved with conditions	September 2008

P08/1133/E1	Demolition of existing building and erection of new office building (B1a) with associated access, car parking and landscaping (Outline) (Extension of time of Application P08/1133)	Approved with conditions	September 2011
P12/0581	Demolition of existing buildings and erection of Foodstore (A1), car park and petrol filling station together with associated access works, servicing and landscaping	Approved with conditions Approved with conditions and referral to the Secretary of State for consideration in accordance with Section 77 of the Town and Country Planning Act 1990	January 2013
P12/0582	Conservation Area Consent for demolition of existing buildings with subsequent erection of Foodstore (A1), car park and petrol filling station together with associated access works, servicing and landscaping	Approved with conditions	January 2013
P12/1043	Conservation Area Consent for demolition of former public house, restaurant, office, retail and service	On this agenda	

	units with flats above, vacant building, other buildings and structures		
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24. There is currently a further undetermined application for a Foodstore (A1 use) proposal within the town centre under planning reference P12/1107. The site relates to land at Flood Street and King Street and involves the demolition of the Falcon House office building to allow for the erection of a foodstore with associated petrol filling station, car parking, landscaping, highway improvements to Flood Street and Oakeywell Street and the stopping up of the public highway under Section 247 of The Town and Country Planning Act 1990. This planning application is also on this agenda.
25. Accompanying this application is a Conservation Area Consent Application (P12/1043) for demolition of former public house, restaurant, office, retail and service units with flats above, vacant building, other buildings and structures.

PUBLIC CONSULTATION

26. The application was advertised by way of public consultation letters being sent to a 134 properties located within close proximity to the site and by the display of both site notices and newspaper adverts.
27. In response to the public consultation exercise the following representations have been made:

London & Cambridge Properties (LCP) (owners of the Churchill Shopping Centre)

28. Support is given for the ‘*long desired*’ redevelopment of this ‘*unattractive and unsightly*’ site. The introduction of a large food store would support and strengthen the town centre’s viability; however, an objection is lodged against the scheme as ‘*the proposed development does not fully accord with the development plan*’. LCP state that the non-food retail element of the scheme ‘*should be focused in the*

existing town centre and other appropriate town centre sites in accordance with the adopted development plan'.

29. The applicant has made the following comments in response to the objection from LCP:

The applicant shares the view that the development would strengthen the town centre and should be supported, and that a large food store could certainly make a beneficial contribution to the town centre's retail offer but are disappointed that LCP object to the scheme. The applicant cites that LCP observations *'the proposed development does not fully accord with the development plan'* are in itself not a reason to refuse this planning application and as set out in the Planning and Retail Statement (accompanying this application) there are compelling material considerations to suggest that the scheme is acceptable in planning terms and should be supported. The accompanying Planning and Retail Statement includes a sequential assessment which demonstrates that the site is most appropriate for this type of development. Whilst LCP state that *'the proposed development does not fully accord with the development plan'* it should be considered that the adopted Black Country Core Strategy (February 2011) allows for up to 15,000 sq. metres gross of comparison space in Dudley and a large part of the site would remain to be directed to the town centre should any sites be identified even if this scheme is brought forward.

The non-food retail element of the scheme is intended to offer a type and scale of well proportioned and well configured accommodation that is currently lacking in the town centre. The aspirations are to draw new retailers to Dudley who would not have previously been able to find appropriate space within the town centre. This would enhance the attraction of the centre as a whole, increase footfall and shoppers visiting Dudley which in turn should enhance its vitality.

Commercial Estates Group and Dooba 111 Investments Ltd

30. A joint letter of objection has been submitted by Commercial Estates Group (CEG) (who manage land subject of a Unitary Development Plan (UDP) allocation at King Street/Flood Street and are the applicants for application P12/1107) and the landowner, Dooba Investments 111 Ltd. The objection is raised on the grounds that the King Street/Flood Street site is in a sequentially preferable town centre location to the current application site and is allocated for a foodstore use. They therefore consider that this application fails a key and fundamental test of the National Planning Policy Framework (NPPF) in that there is an alternative, available and more suitable site within the town centre and that the edge of centre site subject to this application should therefore be rejected. They also note that this 'outline' application falls, in part, within the defined Dudley Town Centre Conservation Area and as this scheme is for 'outline' consideration only it is difficult to understand the effect the scheme would have upon the Conservation Area. They also consider that there has been a failure to undertake and submit a retail impact assessment in line with the relevant policy framework.
31. The applicant has made the following comments in response to the objection from Commercial Estates Group and Dooba 111 Investments Ltd:

The applicant shares the view that Dudley needs to be strengthened and whilst the objection is raised on the grounds that the King Street/Flood Street site is in a sequentially preferable town centre location to the current application site and is allocated for a foodstore use within the development plan, the application is accompanied by a Planning and Retail Statement, as previously stated. The Planning and Retail Statement includes a sequential assessment which demonstrates the appropriateness of the site in accordance with the relevant policy framework.

The applicant also reiterates that the application(s) for consideration are supported by a detailed Heritage Statement, as well as a Design and Access Statement. The scope and content of, and approach to, the heritage assessment were agreed by

the Council's specialist conservation advice, during pre-application discussions. Local circumstances were discussed having regard in particular to the nature and general low quality of the buildings to be demolished and the local setting, and agreed that with sufficient information in the submission it would be quite possible for an adequate assessment of an outline application to be made from a heritage perspective. Furthermore, English Heritage reiterate the approach to retain the buildings of higher value along Hall Street (the retention and repair of No's 28 to 30 and 34 to 37 Hall Street). Heritage issues were discussed in full and therefore the application is readily capable of being properly assessed and determined.

Dudley Motors (Vauxhall Motors dealership)

32. Objection has been submitted by Dudley Motors who currently utilise a parcel of land within the north eastern corner of the site for the use by the dealership of the temporary parking of vehicles. They state that this land is currently licensed from the Council and its loss could jeopardise employment in the Borough.

Cousins Furniture Stores Limited

33. Support is given to regenerate the land to the east of Hall Street and north of the Dudley Southern by-pass. The development would provide better services to Dudley Town Centre, its visitors and most importantly the traders already situated within the town centre. The scheme will aid the recovery of the struggling Town Centre by providing more facilities and encouraging more people to shop in Dudley as opposed to travelling to retail parks on the outskirts of town or to larger centres. The development would help prevent that area becoming derelict and help strengthen the town centre's viability and vitality.
34. Two letters of support have also been received from members of the public, as well as, a petition with 290 signatories in support of the scheme.
35. It should be noted that further information and amended plans were requested and received, resulting in further public consultation in the form of site notices and letters

being sent to the same properties located within close proximity to the site, as well as both supporters and objectors to the scheme who previously registered an interest in the scheme. At the time of writing this report no further written representations have been received; however, if any representations are received then they shall be reported to the Development Control Committee as a pre-committee note.

36. It should be noted that in the determination of the planning application all comments that have been raised will be tested by the below stated policies.

OTHER CONSULTATION

37. Group Engineer (Development): The development would generate an additional 5438 two-way trips over the operational day in comparison to the existing uses at the site.

The following highway improvements are proposed as part of the scheme:

- a. Spiral marking of Castle Gate Roundabout. Primarily white lining with potential for anti-skid surfacing. No new Traffic Regulation Orders (TRO)
- b. On-street loading bay on Trindle Road, outside Dudley Motor Company.
 - This section of Trindle Road is already covered by *No Waiting At Any Time* TRO. This order may need to be amended to facilitate creation of loading bay.
- c. Traffic signal controlled junction at Trindle Road/St Joseph's Street, including pedestrian and cyclist crossing facilities.
- d. Gyratory one-way system linking into existing section of St Joseph's Street which provides access into the development's northern service yard, bus layover area, St Joseph's Court, Bus Station and public square and the Town Centre.
 - The gyratory system will need to be covered by a *No Waiting At Any Time* TRO, which also prevents loading and unloading, with the exception of the Taxi Rank.
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- The existing *One-Way* TRO in place on St Joseph's Street will need to be revoked and replaced with another *One-Way* TRO in a clockwise direction.
 - A TRO will be required for the Taxi Rank.
 - A *Prohibition of Driving* TRO will be required at the junction of the St Joseph's Street gyratory and the access to the Bus Station to restrict access to buses only.
- e. Re-alignment of Trindle Road to the east of the development site including a priority junction serving the developments multi-storey car park, access to the developments southern service yard and a segregated footway/cycleway along the carriageway's eastern side.
- The new stretch of Trindle Road will need to be covered by a *No Waiting At Any Time* TRO.
- f. Traffic signal controlled junction at Hall Street/Trindle Road/Dudley Row, including pedestrian and cyclist crossing facilities.
- g. On-street loading bay on Hall Street, outside No. 30 to 33 Hall Street.
- Revoke existing TRO on Hall Street between King Street and Dudley Row.
 - New TRO on Hall Street between King Street and Dudley Row; *No Waiting or Loading At Any Time*, with the exception of the loading bay outside No. 30 to 33 Hall Street.
 - *Loading Bay* TRO for proposed loading bay outside No. 30 to 33 Hall Street.
- h. Amendments to King Street/Hall Street traffic signal controlled junction, with improved pedestrians and cyclist facilities.
- A TRO will be required to restrict access from Hall Street to Birmingham Street to buses only.
- i. Creation of a public square between the development frontage and Birmingham Street.
- A *Prohibition of Driving* TRO will be required across the public square, to restrict its use to pedestrians.

The designs of the proposed highway improvements are acceptable as preliminary layouts. The work on the existing public highway and those works requiring the adoption of new public highway proposed will be subject to a detailed design process under highways legislation, which will include the material specifications, vertical and horizontal alignments etc. A condition should be placed on the approval preventing works from commencing on site until the detailed design of these works has been agreed.

The principle of extinguishing highway designation at Porter Street, Portersfield, Trindle Road from its junction with St Joseph's Street to its junction with Hall Street, Little Street, Phoenix Passage and part of the embankment to Dudley Southern Bypass is acceptable to the Highway Authority.

To accord with the standards set out in the Parking Standards Supplementary Planning Document (SPD) for food retail (A1 use) the development should provide 531 parking spaces whilst the non-food retail (A1 use) should provide 279 parking spaces. The development therefore has a combined maximum parking requirement of 810 parking spaces.

Larger retail uses will generally be expected to provide parking up to maximum standard to be publicly available. Maximum standards may be exceeded where parking is to serve the wider centre. For retail uses above 1000 sq. metres, parking reductions below maximum standard will be considered with regard to the outcome of Transport Assessment / Travel Plan.

The development provides 810 on-site car parking spaces, which is considered to be acceptable; however, a car parking management plan would need to be submitted and agreed in writing prior to the commencement of development. This management plan would establish the charging regime, permitted duration of stay etc.

The development should provide 31 marked disabled parking bays and 20 widened bays, as well as 54 cycle parking spaces.

The Parking Standards SPD also requires that 5% of all parking spaces in commercial developments are covered with electric charging points. This equates to 26 electric vehicle charging points.

It is recognised that the Transport Assessment, its subsequent Addendum and the associated highway improvements provide satisfactory operational vehicle capacity, as well as pedestrian and cycle facilities to accommodate the traffic generated by proposed development. Therefore subject to the necessary recommended conditions, no objections are raised to the development.

38. Head of Environmental Health and Trading Standards: No objection in respect of contaminated land issues subject to the submission of a scheme to deal with contamination of land.

With regard to air quality the development would bring with it some benefits, in that;

- (a) its design would safeguard proposals for the Midland Metro extension which are included in the council's air quality action plan,
- (b) it will involve the demolition of a number of residential properties which are located in an area which exceeds national air quality objectives for nitrogen dioxide, and
- (c) it will encourage sustainable travel modes given it's to the bus station, proposed enhancements to cycling and pedestrian links and crossings.

However, a number of other air quality issues would need to be considered and addressed by condition as there is a possibility of dust being generated during the demolition/construction stage which left unmitigated gives potential for impact on local residential receptors to the north of the site.

Any increase in traffic flows on the local road network would lead to detrimental air quality impacts during the operational stage. Of Particular concern is the potential queuing of eastbound traffic at the junction between Trindle Road and Castle Hill and the associated air quality impacts on residential receptors in Castle Hill.

The potential air quality impacts from the relocation of the bus layover activity would also need to be addressed.

The potential installation of biomass heating plant would be subject to appropriate permission being given by the Council once details of location, thermal capacity and proposed chimney height are confirmed. Further assessment of air quality impacts may be required.

A financial contribution towards measures to improve air quality may be required under the terms of the Planning Obligations. Alternatively any commuted sum requirements could be offset by encouraging additional on-site air quality mitigation measures including, but not limited to, the following:

- 1) Provision of electric vehicle charging points (5% of the parking provision);
- 2) Provision of a low emissions delivery fleet and/or specification of a minimum Euro standard for delivery vehicles;
- 3) Provision of alternative fuels at the petrol station
- 4) Provision of measures to discourage idling of delivery or passenger vehicles on the supermarket premises, e.g. appropriate signage, external power supply for refrigerated vehicles etc.
- 5) Submission and development of an employee travel plan

Should permission be granted it is recommended that a condition be imposed requiring the submission of a low emissions strategy for mitigating the air quality impacts of the development.

This site is located in a predominately commercial area in Dudley Town Centre and is therefore in keeping with the character of the area; however, there are residential properties in the vicinity so the amenity of these properties will need to be protected.

The noise assessment submitted with the application has determined the existing background noise of the area and reference has been made to this when assessing the impact of the proposed development. The report has determined that the main source of noise likely to affect properties to the South will be from the activities of the service yard of the supermarket. The report goes on to conclude that mitigation in the form of a 3 metre high acoustic barrier will be required along the South boundary of the site adjacent to the service yard. A condition should therefore be imposed requiring such provision within the development of this barrier. A condition is also required to minimise background noise from plant and machinery.

39. Coal Authority: considers that the content and conclusions of the Coal Mining Risk Assessment Report submitted with the application are sufficient for the purposes of the planning system and meets the requirements of National Planning Policy Framework (NPPF) in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore raises no objection raised as the Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that the coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A condition would therefore be required for site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this would also form part of a condition of planning consent to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

40. Environment Agency: No objection raised. The submitted information accompanying the application shows sufficient detail to prove that there will be no increased flood risk on or off site. It is recommended that a condition be imposed requiring the submission of a surface water drainage scheme for the site.

The site history includes industrial uses which have potential to cause contamination of both the ground and groundwater. These uses included engineering works, furniture works, brewery, factory, iron and brass works, tannery, leather works, landfill and other 'works'. More recently vehicle repair works have been undertaken.

The conceptual site model identifies potential contaminant linkages which require investigation and assessment. Subsequently, the Environment Agency concur with the recommendations to undertake intrusive ground investigations to assess the ground and groundwater beneath the site. The investigations should be detailed enough to enable a robust assessment of the risk on controlled waters receptors to be undertaken. It is essential that both soils and groundwater are submitted for laboratory analysis. Conditions are therefore recommended.

41. English Heritage: No objections raised. The application includes the welcome retention and repair of No's 28 to 30 and 34 to 37 Hall Street. Particular care should be taken with the design and choice of materials for roofs of the proposed buildings. This is an important consideration for the new development in terms of achieving a satisfactory outlook from Dudley Castle and therefore protecting the Scheduled Ancient Monument (SAM).

English Heritage advise the Council that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

42. West Midlands Police: No objection raised
43. West Midlands Fire Service: No objection raised
44. CENTRO: The application site is located directly adjacent to Dudley Bus Station. The proposal would have significant implications on the Bus Station and bus service operation as well as on the Wednesbury-Brierley Hill Midland Metro Extension (WBHE). The WBHE is proposed to run through part of the application site. The

convenient location provides an opportunity for visitors and staff to access the site using public transport.

The alignment was granted Transport and Works Act powers in 2003. Centro, the Council and the applicants have been involved in discussion prior to the submission of the application. The nature of these discussions has centred on a change in surface levels that would allow bus movements from the Bus Station onto St Joseph's Street over the proposed Metro alignment.

The Bus layover facilities near to the Station are required for it to continue being an attractive location for bus operators to serve. Centro welcome the retention of layover as proposed, whilst the proposed access loop to the Station would create a link from Trindle Road via St Joseph's Street. This loop would create a new access into the bus station and would also provide the link to bus layover facilities.

Centro are satisfied that existing access arrangements to the Bus Station would not be affected. This is particularly important as the ability to access the Bus Station from all points is important for the continued success and growth of bus services accessing Dudley Town Centre.

The development should provide enhanced walking and cycling measures, both within the sites development boundary and outside it. To fully support and promote the use of sustainable travel modes it should be ensured that pedestrian links and crossings, through the development site to the surrounding public transport network (and in particular to the bus station) are provided and these should be direct, convenient, well lit and of a safe and secure design. Clear and concise signage should be installed to assist with navigation and to aid walking and cycling. The developer should be required to explore opportunities to improve surface materials, landscaping and lighting to aid orientation.

The developer should also be required to develop a Travel Plan to promote sustainable means of transport as a viable alternative to the motor vehicle in accessing the site.

A financial contribution should be provided towards the ongoing improvements being made towards public transport infrastructure in the area as well as towards the long-term development of the public transport network and should also be required to provide secure cycle parking facilities. Real Time Information (RTI) displays should also be installed within the development to improve the quality of public transport information available to shoppers and staff. Information screens could feasibly be located in the main entrance/foyer of the proposed building providing up to date information on local bus departures as well as rail information.

RELEVANT PLANNING POLICY

National Planning Guidance

- The National Planning Policy Framework (NPPF) (2012)

Black Country Core Strategy (BCCS) (2011)

- The Vision
- Sustainability Principles
- The Spatial Objectives
- CSP1 The Growth Network
- CSP4 Place Making
- CSP5 Transport Strategy
- DEL1 Infrastructure Provision
- DEL2 Managing the Balance Between Employment Land and Housing
- EMP1 Providing for Economic Growth
- EMP5 Improving Access to the Labour Market
- CEN2 Hierarchy of Centres
- CEN4 Regeneration of Town Centres
- CEN8 Car Parking in Centres
- TRAN1 Priorities for the Development of the Transport Network
- TRAN2 Managing Transport Impacts of New Development
- TRAN4 Creating Coherent Networks for Cycle and for Walking

- TRAN5 Influencing the Demand for Travel and Travel Choices
- ENV 1 Nature Conservation
- ENV 2 Historic Character and Local Distinctiveness
- ENV 3 Design Quality
- ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV 7 Renewable Energy
- ENV 8 Air Quality

Saved Unitary Development Plan (UDP) Policies (2005)

- DD1 Urban Design
- DD2 Mixed Use
- DD3 Design of Retail Development
- DD9 Public Art
- DD10 Nature Conservation and Development
- UR8 Derelict Land
- UR9 Contaminated Land
- DTC1 Thoroughfares and Public Spaces
- DTC2 Street Blocks
- DTC2(xii) Block 21 – King Street/ Flood Street
- DTC2(xiv) Block 23 - Hall Street/Porter Street
- DTC2(xv) Block 25 - Bourne Street/Castle Hill
- DTC2(xvi) Block 5 - Established Areas
- AM13 Public Rights of Way
- NC1 Biodiversity
- NC6 Wildlife Species
- NC9 Mature Trees
- HE4 Conservation Areas
- HE5 Buildings of Local Historic Importance
- HE6 Listed Buildings
- HE8 Archaeology and Information
- EP7 Noise Pollution

Supplementary Planning Documents (SPD)

- Parking Standards
- Planning Obligations
- Access For All
- Historic Environment
- Nature Conservation

Supplementary Planning Guidance (SPG)

- Design for Community Safety

Other Relevant Documents

- Dudley Town Centre Area Development Framework (ADF) Opportunity Site 4: 'Cavendish Quarter', Adopted December 2005
- Planning for the Historic Environment – Historic Environment Practice Guide
- Planning for Town Centres – Practice Guidance on Need, Impact and the Sequential Approach
- Circular 05/94 – Planning Out Crime
- Circular 11/95 – The Use Conditions in Planning Conditions
- Circular 2/99 – Environmental Impact Assessment
- CIL Regulations

ASSESSMENT

45. Key Issues

- Implications of changes to the policy context;
- Principle;
- Retail Policy;
- Design;
- Impact on the Conservation Area/Heritage Assets;
- Public Realm;

- Connectivity;
- Access;
- Parking;
- Nature Conservation;
- Flood Risk;
- Renewable Energy;
- Contamination;
- Noise;
- Planning Obligations.

Implications of changes to the policy context

46. The Development Plan for this area is made up of the Adopted Black Country Core Strategy, and the Adopted Saved Dudley Unitary Development Plan (UDP) and the Dudley Town Centre ADF. The Core Strategy and Dudley UDP are the relevant policy documents that apply to this application. The Dudley UDP was adopted in accordance with the Planning and Compulsory Purchase Act 2004 and as such for 12 months from the day of publication of the NPPF (27th March 2012) full weight was given to the relevant Dudley UDP saved policies.
47. Given that this 12-month period has ended Paragraph 211 of the NPPF states that *'For the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework'* Paragraph 215 of the NPPF adds further that *'following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'*
48. Now that the 12-month adjustment period has ended planning officers have completed the Planning Advisory Service (PAS) 'Local Plans and NPPF:LPA Self Assessment' as part of the Council's process in assessing whether the Development Plan Policies are in accordance with the NPPF. The Dudley UDP 'Dudley Town Centre Chapter Policies (DTC1 – DTC2 (xvi) and Policy CR4; 'Protected Frontages,' promote sustainable development consistent with the NPPF.

49. In particular under the second theme of the framework 'Ensuring the vitality of town centre,' (NPPF Para's 23- 27) the Conformity Self Assessment confirms that the Saved UDP Dudley Town Centre chapter policies and the allocation of suitable sites (the development blocks) to meet the scale and type of development for Dudley are still appropriate. The policies/designations and Dudley Town Centre Inset Plan set out the strategy for the management and growth of the centre until they are replaced by a Dudley Area Action Plan. The UDP Dudley Town Centre Chapter, associated Inset Plan and Policy CR4 identify a town centre boundary, retail core and protected frontages which are to be saved until reviewed as part of the Dudley Town Centre Area Action Plan process. It is anticipated the AAP will be adopted in March 2016.
50. Overall, it can be concluded that the UDP Dudley Town Centre Chapter/Inset Plan and Policy CR4 are currently in direct conformity with the NPPF. There are no significant differences or conflict between them and they do not impact on the overall strategy.

Principle

51. The NPPF sets out a number of core land-use planning principles which should underpin decision taking. Of relevance to the assessment of this application and the acceptability in principle of the proposal, is that planning should proactively drive and support sustainable economic development to deliver the businesses, infrastructure and thriving local places that the country needs, to encourage the effective use of previously developed (brownfield) land, and focus significant development in locations which are or can be made sustainable. In the case of retail proposals (including food superstores) this is the principle of town centre first.
52. The retail development of the site (including foodstores) is in general accordance with the broad NPPF aims in that this is a brownfield site in a highly sustainable location, and that the proposal provides an opportunity to deliver a significant job-creating development which will help to regenerate this part of the town centre.

53. The application site is located within the Black Country Core Strategy Regeneration Corridor (RC) 11a 'Dudley – Brierley Hill' where 'housing development opportunities around the larger centres of Dudley and Brierley Hill will increase walk-in population to serve day-to-day shopping needs and have sustainable regeneration benefits. The Core Strategy Policy CSP1: 'The Growth Network,' promotes a network of vibrant and attractive centres offering an appropriate choice of facilities. The Centres and Regeneration Corridors provide the most sustainable locations for economic and housing growth across the Black Country although improvements are required to accessibility and connectivity.
54. Policy CEN2: 'Hierarchy of Centres,' identifies Dudley as a town centre in the second tier where investment in retail of an appropriate scale will be promoted to meet day-to-day shopping needs. The Black Country Centres Study (2009), undertaken by GVA Grimley, represents the most up to date retail evidence base for the Borough. The GVA Centres Study (2009) refers to the need to rebalance current convenience shopping patterns, and to seek to retain main food shopping expenditure within the catchments where it is generated. Para 8.54 states '*we consider the JCS (Joint Core Strategy) should prioritise the need for a new convenience foodstore in Dudley town centre on the King Street/Flood Street site, which will in effect bring about a redistribution of trade away from Brierley Hill and out-of-centre foodstores back into Dudley town centre. Given the need for a large foodstores capable of competing effectively with other stores in the area, we consider the JCS should make provision for up to circa 5,000 sq m net of additional convenience goods floorspace in Dudley town centre as a priority in the period up to 2016.*'
55. On this basis Policy CEN4: 'Regeneration of Town Centres,' allows up to a total of additional 5,000 sq m net of convenience floorspace for Dudley town centre to address a clear quantitative and qualitative deficiency. Up to a total of an additional 15,000 sq m gross of comparison retail floorspace would also be acceptable. There has long been a commitment to provide such levels of convenience and comparison retail floorspace to bolster and enhance Dudley town centre.

56. The UDP Retail Study (1999) and subsequent updates indicated a requirement in Dudley for additional convenience retail floorspace. As a priority, a quantitative and qualitative need was identified for a new foodstore in the range of 5,000 – 8,000 sqm (gross) to act as an ‘anchor’ attraction for Dudley town centre. The site recommended as suitable was King Street/Flood Street, subject to good town centre and Midland Metro integration. Paragraph 7.2.25 of the study states within the overall conclusion that Dudley Town centre’s future will be best addressed by concentrating on attracting a major new foodstore to the area and the Flood Street site is the most suitable for such development. The Retail Study advised there is the potential for major retail development on the Flood Street site to complement the retail provision in the town centre and act as an important ‘anchor’ attraction.

Policy DTC2 (xiv) Development Block 23 – Hall Street/Porter Street

57. The application site is designated as Opportunity Site (OSI) and within Development Opportunity Block 23 – Hall Street/Porter Street. The Development Block is located to the south east of the town centre and adjoins the southern bypass. It is bounded on the north-west by Trindle Road and Hall Street to the south west. The site is described as comprising rundown shops, a furniture shop, the vacant Cavendish House office block and vacant land.
58. Within the development block the ‘preferred uses’ are B1 (Business Use), C1 (Hotels), C3 (Residential), D2 (Assembly and Leisure) and the “acceptable uses” are A3 (Food and Drink), A1 (Retail between Hall Street and Porter Street) and D1 (Non-residential Institution). “Unacceptable uses” on the site are A1 (Retail between Cloughton Road and Porter Street), A2 (Financial and Professional Services), B2 (General Industry), and B8 (Storage and Distribution).
59. The potential role of the Cavendish Quarter as a retail destination is confirmed by the identification of the site as Hall Street/Porter Street Opportunity Site (OSI) within Block 23. A mixed use redevelopment is envisaged for Site 1 with options for conversion or redevelopment of Cavendish House. Any retail proposal would only be acceptable between Hall Street and Porter Street and if only if well integrated within

the Town Centre and Flood Street redevelopment. Specific design requirements will be:

- strong elevational treatment through consolidated block development along Hall Street, Trindle Road, and also the bypass; and
- internal servicing via Porter Street.

60. Given that the Cavendish House Office Building has been vacant for nearly 20 years there was no requirement for the applicant to submit evidence to justify the loss of the office use within the premises in accordance with Core Strategy Policy DEL2.

61. The UDP also identifies a strip of 'protected open space' (Policy DTC1) alongside the bypass which is included within the application area. The functionality of this space is however extremely limited and it performs a visual amenity role for users of the bypass. Since the proposed development encroaches only slightly into this area and the 'loss' will be compensated for with enhanced landscaping of the remainder, it is considered that its visual amenity function will not be significantly harmed and indeed will be enhanced through improved landscaping of the area.

The Dudley Area Development Framework

62. The UDP provides the statutory policy on the components of development on the Flood Street site. The Dudley Town Centre Area Development Framework (ADF) was adopted by the Council as Supplementary Planning Guidance (SPG) in December 2005.'

63. Within Dudley there are nine opportunity sites of the town which represent either immediate priority for action and/or they are already the subject of development pressure (in some cases the areas incorporate the opportunity sites identified within the UDP. Within the ADF 'The Cavendish Quarter' is Opportunity Area 4 and each of the nine opportunity areas presents a vision, development strategy and illustrative

development framework. The ADF itself describes its plans as illustrative and as showing just one of 'many possible scenarios.'

64. Occupying a prominent location on the south eastern edge of the town centre the ADF envisaged residential development as the key land use with commercial ground floor uses along Hall Street, King Street and the southern part of Trindle Road. Well defined development should front Hall Street and Trindle Road, with frontages also onto Porter Street. Frontages to Hall Street and the Trindlet Road/King Street junction should be continuous to ensure strong containment of streets and spaces to the west and to emphasise the gateway function of Hall Street. Principal points of access should be taken from Trindle Road and Hall Street.

Leisure Proposal

65. By virtue of the site specific Policy DTC2 XIV) Block 23 stating that D2 use (Assembly and Leisure) is a 'preferred use'. Given the wider aims of the UDP Dudley Town Centre Chapter and Core Strategy Policy CEN4 the site represents an acceptable location for leisure development in the town centre. The applicant has also identified that there is a shortage of gyms within the town centre area and the proposal will help to meet the needs of the local population.

Restaurant Proposal

66. A large format restaurant (A3 use) has also been proposed and the UDP (DTC2 (XIV)) designation includes A3 (Food and Drink) as an 'acceptable use.' There is a need to enhance the restaurant offer in Dudley and provide a night time economy. The potential to accommodate gym and restaurant uses as shown on the illustrative Scheme Masterplan Proposal are acceptable in principle.

Retention of Existing Units along Hall Street

67. The proposal promotes the partial retention of existing units along Hall Street, and their alteration, conversion and part replacement to allow (A1 – A5) as well as office

(B1a) use. As part of this a new unit is also proposed to address the corner of Hall Street and the new link road. The ground floor of the existing units whilst now largely vacant was previously in retail and service use. A1 (Between Hall Street and Porter Street) and A3 uses are considered 'acceptable' in policy terms given the UDP (DTC2 (XIV)) designation. This proposal will provide an active frontage and make best use of existing buildings and is considered acceptable in principle.

Comparison Retail Proposal

68. To the north of the proposed foodstore will be a 2-storey mixed use building. This could be used for retail (non food) as shown on the illustrative Scheme Masterplan Proposal (Drawing No. 10167/PA04 Revision D). The UDP (DTC2 (XIV)) designation states that A1 retail between Cloughton Road and Porter Street is an 'unacceptable use.' Noting the proposed buildings location in the unacceptable area for retail the applicant was requested to undertake a sequential assessment. Such an assessment has been undertaken and considered whether this element of the scheme could be accommodated in 'sequentially preferable' sites in Dudley. No impact analysis was requested as Core Strategy Policy CEN4 identifies an additional 15,000 sq m gross of comparison retail floorspace for Dudley Town Centre. The applicant's proposal identifies potentially 5,575 sq m gross comparison retail floorspace, well within the threshold of comparison floorspace allocated in Policy CEN4.
69. A sequential site assessment has been undertaken on Dudley Town Centre and from the 5 sites identified only the King Street/Flood Street site would be capable of accommodating the 5,575 sq m gross comparison retail floorspace. The applicant has assessed the site in terms of its 'availability, suitability and viability' to accommodate the proposed floorspace. In relation to this Planning Policy's views are set out below:

Availability of Site

70. In terms of availability the redevelopment of the Development Block would need to address land ownership (the current application on the site (P12/1107) is still under

consideration), assembly issues and accommodate local and strategic infrastructure requirements with regard to the highway and the Midland Metro Extension.

Suitability of Site

71. The King Street/Flood Street block remains a 'suitable' location for retail development with 15,000 sq m gross of bulky goods comparison shopping identified as appropriate with specific design requirements to include a strong retail frontage into the established retail core area.

Viability of Site

72. The King Street/Flood Street Site Development Block has long been allocated for bulky goods Comparison floorspace and it is assumed that the development on the site is still viable.

Application of the Sequential Test

73. Whilst the King St/Flood St Development Block remains a suitable site for retail development, the desirability to provide a comprehensive scheme with strong integration with the existing retail core means that development at the site is unlikely to come forward in the short term. The site in its entirety is not considered available due to the current planning application and given all these circumstances, we conclude that the Falcon House site does not meet the 'availability within a reasonable period of time' component of the sequential test. No sequentially preferable alternatives are identified, and this element of the proposal is therefore compliant with the requirements of the test.

Retail Assessment

74. The foodstore will be located to the rear of the Hall Street units and the building will largely occupy land between Hall Street and Porter Street. The UDP (DTC2 (XIV)) designation identifies retail as an acceptable use on land between Hall Street and Porter Street, and so this in accordance with Development Block 23, although the

Dudley ADF envisaged residential development as the key land use with commercial ground floor uses along Hall Street, King Street and the southern part of Trindle Road.

75. The site is located in Dudley Town Centre and abuts the core shopping area and is immediately opposite the entrance to Churchill Shopping Centre. Accordingly the site can be classed as an edge-of-centre site in retail terms as it is within 300 metres of the primary shopping area (retail core). Given the proposal site's edge-of-centre location in retail terms, the allocation of a sequentially preferable site for a foodstore in the Dudley UDP and a current planning application at Falcon House (P12/1107) the fourth paragraph of Core Strategy Policy CEN4 applies including a requirement to submit a retail assessment.

Foodstore Catchment Area

76. The first stage of the retail assessment is to define the Study Area. The Study Area or catchment area has been defined to reflect the area over which the foodstore is expected to draw trade and identify the level of expenditure available for the proposal. The catchment area has been refined from the NEMS telephone survey of 1,000 households, which was undertaken in July 2012, and it utilises a more refined zoning system than that employed in the Black Country Centre Study, which formed the retail evidence base for the Core Strategy. The catchment area has been derived in accordance with National policy and the Saved 'Planning for Town Centres Practice Guidance on Need, Impact and the Sequential Approach' and will enable the applicant to specifically model expenditure flows for Dudley.
77. The study area post code zones are consistent with those used in the Black Country Centres Study (Nov 2009), prepared by GVA as part of the evidence base for the Black Country Core Strategy. The centre draws the majority of trade from Zones 19 and 21, but even within this core catchment, the centres share of convenience spend is low, and is overshadowed by Brierley Hill. This suggests a clear deficiency in Dudley, and a need for a well located large foodstore to underpin the centres convenience retail offer.

Existing Convenience Goods Spending Patterns in Dudley

78. The Council's Independent Retail Advice prepared by Holliss Vincent Consultants has assessed the existing convenience shopping patterns in Dudley based on the results from the 11 zones of the household survey undertaken by NEMS Market research used to inform the retail assessment for the Cavendish Quarter Properties Limited planning application (P12/0581). The Holliss Vincent modelling work utilised the findings of the NEMS survey (July 2012 mainly because it utilises a more refined zoning system than that employed in the Black Country Centres Study (2009) and relied upon by the applicant. The updated data demonstrates that trading patterns have altered since the household survey was undertaken to inform the 2009 Black Country Centres Study and reflects the downturn in per capita expenditure growth in the convenience goods sector.
79. The survey area used by NEMS, and the zoning system are shown in Appendix 3 of Applied Planning's Retail Assessment of September 2012. Zones 1 and 2 have been regarded as forming Dudley Town Centre's primary catchment area. It is necessary for the analysis of expenditure capacity to go beyond Dudley's primary catchment area, and Zone 3 has been included because of the cluster of stores at Brierley Hill/Merry Hill that are experiencing substantial levels of overtrading, and Zone 4 (including Sedgley), which is accessible to Dudley Town Centre, and which contains a limited retail offer. Thus, we regard Zones 3 and 4 as forming Dudley's secondary catchment area, and the town centre currently draws 78% of its convenience turnover from residents of Zones 1 to 4, with the remainder derived from the residents of Zones 5 to 11 and beyond. Spreadsheet 2 of the Hollis Vincent Report (Dec 2012) sets out the pattern of convenience goods spending on a zone by zone basis, expressed in percentage market shares and Spreadsheet 3a converts applies the percentage shares to the pot of convenience goods available to residents in each zone.
80. Spreadsheet 3a shows that stores and centres located in Zones 1 and 2 retain only £56.8m, or 50.7% of the convenience goods expenditure available to residents of

Zones 1 and 2. The out-of-centre Tesco Store at Birmingham Road attracts £19.3m of the convenience goods expenditure of the residents of Zones 1 and 2, so that this store alone attracts 34% of the convenience goods expenditure which is retained in Dudley's primary catchment area. Dudley Town Centre achieves a convenience goods turnover drawn from residents throughout the 11 zone survey area of £20.7m, of which £14.2m, or 69%, is drawn from residents of its primary catchment area.

81. Thus, the Tesco out-of-centre store at Birmingham Road retains more of the convenience goods expenditure of the residents of Zones 1 and 2 than does Dudley Town Centre. Some 64% of the convenience goods expenditure of residents of the 11 zone study area flows to just 15 supermarkets and superstores, highlighting the market share dominance of the medium and large store format. Foodstores located in the strategic centre at Brierley Hill account for £112.0m, or 15.5% of the total convenience goods expenditure of residents throughout the study area. There is a significant level of overtrading in stores located within Zones 1 to 4 and in particular at the Asda store in Pearson Street at Brierley Hill High Street.
82. These convenience goods shopping patterns indicate that there is an urgent need to improve localised retention level in Dudley Town Centre's primary catchment area (Zones 1 and 2), and scope to improve the retention level in Zones 1 to 4. There is a particular need to improve Dudley Town Centre's performance as a destination for convenience expenditure and to improve the sustainability of shopping patterns.

Expenditure Capacity in the Convenience Goods Sector in Dudley

83. The assessment of expenditure capacity, or need, is not a development management test in the NPPF. Nevertheless, the Planning for Town Centres Practice Guidance, which has not been replaced by the NPPF, makes it clear that an assessment of need informs the consideration of the sequential approach and the assessment of likely impacts, both of which are requirements, under the NPPF, for applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan.

84. The approach to the assessment of expenditure capacity by the applicant is far too simplistic and cannot be relied upon. Table 6a of the Planning and Retail Statment prepared by Planning Prospects represents a simplistic addition of overtrading and a 100% clawback of expenditure leakage, which is unrealistic.
85. The proposed store will comprise of 3,122 sq m net of convenience goods floorspace and 1,337 sq m net comparison goods floorspace. As the occupier has not been finalised the applicant has assumed a trading density of the store is 10,757 sq m. The proposed store will turnover £34 million per annum for convenience goods for the study's 2012 base year. The Council Independent Retail Advice acknowledges that since the time of the Black Country Centres Study (2009), which informed the Black Country Centres Study, there has been a downturn in per capita expenditure growth in the convenience sector, with Oxford Economics' forecasts showing declines in each of the years 2011, 2012 and 2013, and with Experian's forecasts showing declines in 2011 and 2013.
86. Spreadsheet 5 of Appendix 2 of the Hollis Vincent Report sets out the assessment of expenditure capacity results in Zones 1 to 4 (the Dudley, Brierley Hill/Merry Hill and Sedgley zones.) The assessment identifies a residual expenditure capacity up to 2017 amounting to £50.0m, which would support approximately 4,100 m² net sales area in a food superstore format, and assuming an average sales density for the leading operators. This highlights that in the short-term capacity identified in Dudley Town Centre is slightly less than longer term capacity identified in the Black Country Centres Study.
87. There is still sufficient capacity to support one new superstore in Dudley Town Centre, although there is insufficient capacity to support, fully, both this planning application and the Flood Street proposal. However, as stated previously, the existence, or otherwise, of expenditure capacity is not a development management test and the key issues are the application of the sequential test and the impact analysis.

Sequential Analysis

88. The planning application site is an edge-of-centre site in retail terms as it is within 300 metres of the primary shopping area. On this basis National Planning Policy Framework (NPPF) Para 24 'Sequential Test' is a requirement as *'Local Planning Authorities should apply a sequential test for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan, they should require applications for main town centre uses to be located in town centres, then in edge of centre locations...'*
89. There is a sequentially preferable site for a foodstore in the UDP with Saved Policy DTC2 (XII) Block 21 – 'King Street/Flood Street' allocating a site for retail development. In accordance with the NPPF and UDP Policy DTC2 (XII) the only site considered in the sequential test was Block 21 'King Street/Flood Street' and planning application P12/1107. The applicant has assessed the site in terms of its 'availability, suitability and viability' to accommodate a proposed foodstore. In relation to this Planning Policy's views are set out below:

King Street/Flood Street, Dudley Town Centre

90. This is a town centre site allocated in the Dudley UDP under Policy DTC2 (XII) Block 21 – King Street/Flood Street is identified for additional retail floorspace in order to sustain and enhance the vitality and viability of Dudley Town Centre. There is a requirement for a large foodstore as part of Opportunity Site H as well as 15,000 sq m gross of bulky goods comparison shopping. The UDP policy promotes a comprehensive, mixed-use redevelopment of the site.

Availability of Site

91. In terms of availability the redevelopment of the Development Block would need to address land ownership and assembly issues and accommodate local and strategic infrastructure requirements with regard to the highway and the Midland Metro

Extension. On this basis we conclude that the site does not meet the 'availability within a reasonable period of time' component of the sequential test.

Suitability of Site

92. The King Street/Flood Street block remains a 'suitable' location for retail development, the desirability to provide a comprehensive scheme with specific design requirements to include a strong retail frontage into the established retail core area. This application (P12/1107) is under consideration.

Viability of Site

93. The King Street/Flood Street Site/Development Block has long been allocated for a food store and it is assumed that a foodstore development on the site is still viable.

Application of the Sequential Test

94. Whilst the King St/Flood St Development Block remains a suitable site for retail development, the desirability to provide a comprehensive scheme with strong integration with the existing retail core means that development at the site is unlikely to come forward in the short term. In these circumstances, we conclude that the Falcon House site does not meet the 'availability within a reasonable period of time' component of the sequential test. Nevertheless, the King St/Flood St site is clearly suitable for a food superstore scheme and has long been allocated for such use. Similarly, the current planning application (P12/1107) suggests that a foodstore on the site is viable. Significantly, the Falcon House site is allocated for retail-led mixed-use development under saved Policy DTC2 (XII) Block 21 – King Street/Flood Street of the adopted UDP. As a consequence, the application by Alliance Planning (P12/1107) does not face the sequential test incorporated in Paragraph 24. of the NPPF.

On the basis of the evidence available to date, it can be concluded that:

- i) The Planning Prospects Ltd Planning Application (Avenbury) passes the sequential test because the only sequentially preferable site does not meet each of the 'available', 'suitable' and 'viable' tests incorporated in Paragraph 24 of the NPPF. There is no clear evidence that the Falcon House application will *be 'available within a reasonable period of time.'*
- ii) The Planning Prospects Ltd proposal is in a sequentially preferable edge of centre location and can meet the long established quantitative and qualitative need for additional convenience retail floorspace in Dudley Town Centre
- iii) The Falcon House Planning Application does not face the sequential test, given the site's allocation for retail-led mixed-use development in the saved policy of the adopted development plan.

Retail Impact Analysis

- 95. In terms of the impact assessment Para 26 of the NPPF states 'when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.' The locally set threshold for Dudley is the additional 5,000 sqm net of convenience retail floorspace specified in Policy CEN4 'Regeneration of Town Centre.'
- 96. Given the planning application P12/1107 at Falcon House, the relevant part of Policy CEN4 that applies is *'any proposed development in an edge-of-centre location exceeding these thresholds, whether brought forward through an LDD or planning application, will only be considered favourably if the retail impact assessments contained in the most recent national guidance on retail planning are satisfied.'*
- 97. The NPPF Paragraph 26 confirms this should include assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

98. Paragraph 27 of the NPPF then confirms that ‘where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused’. The Planning for Town Centres Practice Guidance states that ‘it will be for the decision maker to determine what constitutes an ‘acceptable’, ‘adverse’ or ‘significant adverse’ impact based on the circumstances of each case, having regard to national and local policy objectives’ (paragraph 7.3 of the Practice Guidance).
99. With regards to comparison goods, the increase in comparison goods floorspace resulting from the proposed store is minimal (1,337 m² net) and very much residual to convenience goods. Given that Policy CEN4 of the BCCS includes an allocation for 15,000 sq m gross of comparison goods floorspace in Dudley Town Centre and the limited scale of comparison floorspace (considerably below 2,500 sq m) in the proposed store, a comparison goods impact assessment is not required.
100. Given its allocation for retail and town centre location the Flood Street/King Street application does not need to address the impact tests set out in paragraph 26 of the NPPF. Spreadsheet 22 sets out the cumulative convenience goods impact of the application together with existing commitments. The Cavendish Quarter proposal provides a negative cumulative impact on Dudley Town Centre’s convenience goods sector of approximately 12%, because the application has been treated as not being part of the town centre.

101. The focus will be on the implications of the two store scenario, since the quantitative and qualitative need for at least one new food superstore in Dudley Town Centre has long been identified in the development plan, and it has been assumed that the Flood Street proposal will proceed given its allocation status. For the cumulative impact modelling the Flood Street/King Street application has been treated as a town centre proposal. We then build in a Cavendish Quarter application to assess the incremental convenience sector impact of a second store, and the overall cumulative impact of two new stores, together with existing commitments.
102. The HollissVincent spreadsheets 19 and 22 show almost identical patterns of convenience goods trade diversions for the two Cavendish Quarter applications. This is because the convenience goods sale areas of these two mutually exclusive stores are almost identical. (Applied Planning Cavendish Quarter has a convenience goods sales area of 3,200 sq m and this application is for 3,122 sq m.)
103. The retail sales area in the Flood Street application, which is 3,600m², is well within the threshold identified in Policy CEN4 of the Core Strategy. The key issue, therefore, is whether a second large foodstore can be permitted, in addition to the Flood Street/King Street proposal, on the ground that the cumulative impact of two new foodstores will not produce 'significant adverse' impacts for any town centre within the terms of the impact tests set out in the NPPF.

Impact on Committed and Planned Investment

104. The principal planned investment in Dudley Town Centre is Opportunity Site H, for which Policy DTC2 (xii) Block 21 requires a large foodstore as part of the mix of town centre uses. Spreadsheet 25 of the HollisVincent Retail Advice has shown that the incremental impact of this proposal on the Flood Street/King Street store is a diversion of £5.7m, or 13.3%. This level of impact is not likely to undermine the viability of a large foodstore at Flood Street.
105. The other key investment planned in Dudley's administrative area is the delivery of a further 5,000 sq m sales area of convenience floorspace at Brierley Hill High

Street with 3,000 sq m net new floorspace at The Moor Centre and 2,000 sq m net new floorspace to be in the form of an extension to the existing Asda store at Pearson Street. Spreadsheet 25 of the HollissVincent Report shows that the cumulative impact on the Brierley Hill AAP allocation arising from two new foodstores in Dudley Town Centre is just 7%. Such a level of diversion is highly unlikely to affect the investment plans at Brierley Hill High Street.

Impact on the Vitality and Viability of Centres in the Study Area

Dudley Town Centre

106. Spreadsheet 25 of the Hollis Vincent Report shows that with the Flood Street application being treated as part of the defined primary shopping area, and a Cavendish Quarter application as being edge-of-centre, then the implementation of commitments and two new stores would lead to a 152% increase in Dudley Town Centre's convenience turnover. The convenience turnover in Dudley Town Centre's primary shopping area (as defined by the Retail Core on the UDP Inset Plan) would increase from £21.5m, under a no-development scenario, to £54.3m, of which Flood Street would account for £36.8m.

Brierley Hill Town Centre

107. The report shows that the cumulative convenience goods impact on existing retailers, a result of existing commitments (including the CEN3 allocation at Brierley Hill), together with two new stores in Dudley is £13.9m, or 22%. However, implementation of the CEN3 allocation is likely to lead to an extension of the Asda store at Pearson Street, and there would be a new anchor store at the southern end of the centre. Indeed, as a result of implementation of all of the commitments, and the two new foodstores in Dudley, the overall convenience goods turnover at Brierley Hill High Street Local Shopping Area would increase by £30.9%. When the allocations at both ends of the High Street are built out there will be an improvement in the overall vitality and viability of the High Street, and there is no evidence to

suggest any 'significant adverse' impacts in relation to the tests set out in paragraph 26 of the NPPF.

Other Centres

108. The cumulative two store impacts on Kingswinford District Centre and on Stourbridge Town Centre are both below 10%, and there is no evidence that such a level of trade diversion would lead to any significant adverse impacts within the terms set out in paragraph 26 of the NPPF. Similarly, although the two store cumulative impact on the convenience goods turnover of the Co-op store at Sedgley is 11.7%, the impact on the District Centre as a whole will be substantially less, and the Co-op store is substantially overtrading. Therefore, there is no clear evidence of any significant adverse impacts for Sedgley District Centre.
109. The Hollis Vincent assessment of the cumulative impact of a two store scenario, together with existing commitments, has found no clear evidence of any significant adverse impacts on a town centre, within or beyond the study area, in relation to the tests set out in paragraph 26 of the NPPF. The majority of the cumulative impact falls on out-of-centre stores that have no policy protection, or on in-centre and edge-of-centre stores that are overtrading to various degrees. Any initial adverse impact on Brierley Hill High Street will be more than offset by implementation of Policy CEN3 in the Black Country Core Strategy. As a consequence, there is no retail impact policy ground to refuse the planning application.
110. In accordance with Section 77 of the Town and Country Planning Act 1990 and Article 10 (3) and 14 (1) the development must be referred to the Secretary of State. Section 77 of the Town and Country Planning Act 1990 gives directions for applications to be referred to Secretary of State when certain criteria are met if the Local Planning Authority intends to recommend approval. For the purposes of the direction development outside town centres means development which includes retail and which:
 - a) Is to be carried out on land which is edge-of-centre and

- b) Consists of or includes the provision of a building or buildings where the floor space to be created by the development is 5,000 square metres or more;

In these instances the local planning authority must consult the Secretary of State where it does not propose to refuse an application.

Petrol Filling Station

- 111. A petrol filling station (PFS) is a suitable use, as a matter of principle, within a town centre environment. However, it is also right to recognise that they would not be appropriate within the heart of a town centre, where the grain of building is much finer, and actively focused on pedestrian movement. The PFS is not proposed in isolation and it forms an ancillary offer to the wider foodstore proposal. Modern retailing requires a broad offer and the presence of an ancillary PFS offer will make the scheme more viable and attractive to the market. The proposed use would be acceptable as an ancillary use to the foodstore.

Design

- 112. In respect of design issues, the NPPF requires that a high quality of design should be sought in developments. Policy ENV3 of the Core Strategy advises that development proposals across the Black Country can deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits. Saved Policy DD1 of the UDP requires that new developments should make a positive contribution to the character and appearance of the area.
- 113. A key characteristic of the site is its topography, with the land falling some 15 meters south to north and this forms a key consideration in bringing development forward within the site. The application seeks outline approval (access to be considered only) with all other matters (Layout, Scale, Appearance and Landscaping) reserved for subsequent consideration for the redevelopment of the site to provide a retail food superstore (A1) consisting of approximately 7,432 sq. metres gross, plus a circulation core of 555 sq. metres; a mixed use block of up to 5,575 sq. metres accommodating

non-food retail (A1), and potentially including a gym (D2) and / or a restaurant (A3); conversion, redevelopment and alteration of premises along Hall Street to accommodate A1 / A2 / A3 / A4 / A5 / B1 uses; taxi rank and office; transport interchange including provision for forthcoming metro link, and connectivity with the bus station; public space providing connectivity between the site and the rest of the town centre; part undercroft and part decked car park; petrol filling station; highways and access works to include the realignment of Trindle Road to follow the line of the Southern By-pass and form a new junction with Hall Street / Dudley Row; landscaping; associated works.

114. To facilitate the proposed scheme, demolition of the empty and derelict Cavendish House is required, as is the relocation of Trindle Road to the rear of the development plot, removing car traffic from the space in front of the proposed food store. Adjustments to St Josephs Street, Taxi area, demolition and refurbishment and re-building of the Hall Street frontage located within the Dudley Town Centre Conservation Area. The Churchill Precinct and Dudley Bus Station area adjoins the site and this area is recognised as Prospect Hill within the Adopted Dudley Area Development Framework (ADF).
115. The proposed foodstore would be situated to the southern end of the site. It would be located parallel to Hall Street and would front on to the proposed new public square. The public square would be adjacent to the existing retail core of Dudley Town centre and would provide an active frontage on to the public square to encourage linked trips between the scheme and the town centre.
116. To the north of the proposed foodstore will be a two storey mixed use building. This would provide non food retail which would improve the vitality and viability of the town centre. It would also allow for the prospect of a gym to be accommodated within the building to expand the leisure provision in the town centre in this highly accessible location. A large format restaurant would also be allowed for in this building; this would enhance the night time economy and also offer a unique restaurant space which is currently not available within the town centre.

117. At the northern end of the site would be located a petrol filling station. This would provide easy access and egress for vehicles from the rerouted Trindle Road and also allow access directly from the foodstore. It is anticipated that this facility will provide 6 island pumps, a small kiosk and other associated facilities.
118. A further new public space would be located adjacent to the Grade II listed church to ensure sufficient distance from the petrol filling station whilst also offering an attractive, pedestrian friendly space that would enhance the setting of the church. This would protect the built environment and the heritage asset of the church by improving its setting and avoiding potential conflict between new development.
119. To the rear of the retail unit would be a double level car park, including provision under the store itself. This would include dedicated parking for the disabled, parent and child and cycle parking. This large car park would be accessible from Trindle Road and would be of a size sufficient to not only allow for scheme parking but also for attractive shared town centre car park destination. A taxi office would also be provided to replace the existing taxi operation on the site in order to retain local business.
120. Key views of the site would be afforded from the by-pass to the south. The existing views are currently dominated by Cavendish House; the proposed development would provide a vastly improved outlook, with a much smaller scale, well designed series of buildings set behind a landscaped bank. The use of planting and would also further help integrate the development into this setting.
121. The land use saved policies DTC2(xiv), DTC2(xv) and DTC2(xvi) of the UDP recognise that a mixed use redevelopment is envisaged for the site and that any retail proposal would only be deemed acceptable if it were well integrated with the Town Centre. For the reasons outlined above, the proposed general design principles put forward are considered to meet this specific design aspiration for the development block.

Impact on the Conservation Area and Heritage Assets

122. Conservation Area consent is also sought to permit the demolition of existing built fabric to enable the development; principally this relates to buildings fronting Hall Street and north of Trindle Road, including the demolition of the locally significant Metro Public House which is vacant and fire damaged. The central part of the site including the large monolithic Cavendish House falls outside the Conservation Area.
123. Paragraph 133 of the NPPF requires that where a proposed development would lead to total loss of a designated heritage asset (in this case the buildings to be demolished within the Conservation Area) consent should be refused unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh that loss.
124. Policy ENV2 of the BCCS requires that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
125. Saved Policy HE4 of the UDP seeks to enhance approved Conservation Areas. Proposals for the demolition or inappropriate alteration or extension of buildings in Conservation Areas; or proposals for works which would be detrimental to their character or setting; and proposals which could prejudice views into or out of Conservation Areas will be resisted. The Council will require the use of building materials appropriate to the Conservation Area in all new development.
126. It is recognised that the scheme as proposed would make a positive contribution to the economic vitality of the town centre (through job creation and the beneficial use of a largely vacant area of land) which would bring with it significant environmental improvements in terms of its design, appearance and the provision of associated infrastructure. In this context it is acknowledged that the land available for development is very constrained. The applicant has advised that the demolition of

some of the buildings is required to enable the comprehensive redevelopment of the site and to assemble a site of sufficient size to accommodate the proposed scheme.

127. The existing properties on Hall Street would be retained and improved, and replaced in part, in order to enhance the character of this part of the Conservation Area. These properties would allow for occupation by a mix of uses including A1, A2, A3, A4, A5 and B1. This was once a vibrant shopping frontage and this will be restored by the proposal.
128. Hall Street and Trindle Road form important gateways into the town centre. These existing buildings within the Conservation Area which fall within the development site are of limited architectural significance due to their dilapidated condition and do not provide a positive contribution to the character and appearance of the Conservation Area; however, the retention and repair of No's 28 to 30 and No's 34 to 37 Hall Street, property stock of circa late 18th Century / early 19th Century would be most welcomed.
129. No's 31 to 33 Hall Street (property stock 20th Century), are identified within the Dudley Town Centre Conservation Area Appraisal as forming part of a degraded / eroded landscape, as are the buildings fronting the southern side of Trindle Road, the buildings located between Trindle Road and Portersfield (including the 20th Century vacant and fire damaged Metro Bar former Public House).
130. The submitted Heritage Statement accompanying this application identifies that the development proposals would result in change within the Dudley Conservation Area, including the loss of a number of non-designated heritage assets; however, this change is not considered to constitute harm to its significance. The public benefits which would result from the proposed development would considerably offset any perceived harm to the Conservation Area and would result in an enhancement of its character and appearance.
131. The applicant has submitted information to show that key views of the Scheduled Ancient Monument (SAM) from Dudley Castle would be benefited by removing Cavendish House and introducing a much lower lying form of development. Similarly

views towards the Castle through and within the site would be improved without the visual distraction of the mass of Cavendish House. The scheme also provides an opportunity to enhance or better reveal the significance of the heritage assets opposite the site (the Grade II listed church building) through the removal of the visually dominating existing buildings and their replacement by development of an appropriate and complimentary appearance and scale.

132. It is considered that the above policy test has been met, as the loss of the buildings is necessary to achieve these substantial public and regeneration benefits and there is a balancing argument in favour of the development. The proposal is therefore in general accordance with the broad aspirations of the NPPF, which encourages the regeneration of town centre brownfield sites that provide significant job-creating opportunities.

Public Realm

133. The site is within an area identified for public realm improvements in the Dudley Town Centre ADF. An integral part of the scheme is the provision of a substantial area of public realm improvements in the form of a Public Square following the re-routing of Trindle Road, running parallel to the Dudley Southern Bypass. The Public Square would form a focal point adjacent to the Churchill Shopping Centre and Birdcage Walk, with the anchor of a foodstore and other uses beyond enhancing and revitalising the area completely. The existing line of Birmingham Street would be retained to provide an important bus route north and south (albeit this may exceed 1000 bus movements along Birmingham Street daily) and to accommodate the planned future Midland Metro Tram route and stop.
134. The Public Square would incorporate seating, as well as hard and soft landscaping. The scheme also proposes further public realm works adjacent to the Grade II listed church. The introduction of new public spaces in this area would better reveal the significance of the Conservation Area by enhancing and complementing the quality and character of views and approaches to and from the site. The public realm improvements would also play a key role in integrating the development into the

wider area (including the proposed market place improvement works), in accordance with the Dudley Town Centre ADF and BCCS Policy ENV3 which requires that developments provide a high quality public realm and an attractive, safe and permeable movement network.

Connectivity

135. A key challenge for the development is to establish a clear level of connectivity with the surrounding area, in particular the key routes through the town centre. This is required in particular by Policy CSP4 of the BCCS, which seeks the provision of easy access by walking, cycling and public transport to centres and a permeable street network with pedestrian priority that gives maximum freedom of movement; and Policy TRAN1 which states that all new developments should provide adequate access for all transport modes including walking, cycling and public transport. Saved Policy DD1 of the UDP requires that development proposals should provide pedestrian routes that make movement easier through and within the built up area, whilst Saved Policy DTC1 of the UDP advises that safe and convenient pedestrian movement will be a priority within the town centre's thoroughfare network.
136. The most direct connection from the town centre's main shopping area would be through the Churchill Shopping Centre and Birdcage Walk, adjacent to the Churchill Shopping Centre and across the Public Square. At present, pedestrians cross over into central refuges to wait for a further opportunity to complete their crossing. The proposed development would substantially increase the number of pedestrian crossing movements and would also improve the current crossing provision.
137. The proposal would also allow for the opening up and integration with the east side of the town centre and improve Dudley's shopping offer, by creating a vibrant new shopping quarter, whilst footfall would be increased to this part of the town centre and the key objective of ensuring connectivity would be achieved with pedestrian routes running through the public square from the town centre and wider area into the site.

138. The scheme would also provide for better pedestrian connectivity to the residential area of Kates Hill to the south-east of the site through the important linkage of the bridge route across the Southern Bypass being reinforced and improved to encourage movement. The Group Engineer has advised that the proposed works are acceptable in principle and in this regard the development accords with the relevant policy provision.

Access

139. The existing dual carriageway design of Trindle Road is a remnant of the main road network before the completion of the Dudley Southern By-pass. A dual carriageway is no longer required to carry the volume of traffic accessing the Town Centre. The proposed development would provide the opportunity to redesign the road as a more appropriate single carriageway in keeping with the Town Centre environment.

140. The route for the diversion / new access road would skirt the eastern edge of the site along the top of Dudley Southern By-pass embankment. New / revised junctions would be formed at both ends of the new roadway linking it through with Hall Street to the south and back to Trindle Road to the north.

141. The new roadway would also provide direct access to the various vehicular demands of the proposal, such as the car parks, the petrol filling station and the segregated service areas. The proposed re-alignment of the Trindle Road in this way would ensure it is designed to current standards to suite its current requirements at the same time as providing clear vehicle access away from pedestrianised areas and fundamentally frees up the north western area of the site for to allow for the creation of a large area of open space, adjacent to the public transport interchange and enhancement of the public realm and connection of the development with the town centre.

142. The site would be highly accessible and on and off-site improvements would improve both the pedestrian and cyclists environment by providing improved linkages and

routes between the site and the rest of the town centre. The development would also provide cycle storage facilities.

143. The proposed future Wednesbury to Brierley Hill (via Dudley) route of the Midland Metro tram link would also run through the new public square with provisions for a future Metro stop, without detriment to the scheme. This would allow for integration with the Dudley Bus Station immediately to the north of the site.
144. The site would also be serviced in a satisfactory manner as service access to the various key elements of the proposal would be provided from segregated, secure and discrete service yards which would be accessed directly from the new access / link road to the south eastern side of the scheme. The smaller units located / retained on Hall Street would be serviced via a dedicated service lay-by on Hall Street.
145. The proposed scheme would be able to support the change in traffic flow patterns that would arise as a result of the development, whilst the proposed re-alignment of the Trindle Road with new / revised junctions linking it through with Hall Street to the south and back to Trindle Road to the north would have ample capacity to accommodate the forecast traffic flows and ensure wider traffic flow in the vicinity of the site would not be compromised. The Group Engineer has advised that the proposed works are acceptable in principle and in this regard the development accords with Policy TRAN2 of the BCCS which requires that development proposals which are likely to have significant transport implications should demonstrate an acceptable level of accessibility and safety by all modes of transport.
146. To facilitate the required highway works, a plan showing the exact extent of the extinguishment, areas of new public highway and areas of existing highway to be improved as part of the development has been submitted. The plan would form the basis for the 'stopping up' works referred to in the Recommendation section below.

Parking

147. The Group Engineer has recommended that a car parking management plan should be submitted; which can be sought by condition and would be in accordance with

Policy TRAN5 of the BCCS which seeks to ensure that the pricing of parking is not used as a tool for competition between centres and that long stay parking is not provided near to town centres in order to encourage commuters to use more sustainable modes of transport and reduce peak hour traffic flows.

Nature Conservation

148. Policy ENV1 of the BCCS requires that all appropriate development should positively contribute to the natural environment of the Black Country, whilst Saved Policy DD10 of the UDP seeks to ensure that the effects of development proposals on wildlife features are taken into full account. The applicant's ecological appraisal advises that the site is not considered of high value as an 'Urban Wasteland' due to the relatively recent origin, low floral diversity, the lack of varied habitats and the associated relatively low biodiversity value. Given the limited presence of wildlife habitats at the site, the proposed development would have a low impact on nature conservation and biodiversity within the local area; however, recommendations are made in terms of nesting birds.
149. The majority of the buildings within the site are considered unsuitable for bats; however, the Extended Phase I Habitat Survey undertaken and submitted finds that the site is of limited ecological value but has low to moderate potential to support roosting bats as identified in one building on the site due to features such as loose tiles, lead flashing and open air vents within external walls, which could be considered as potential roosting sites. The site is also relatively close to known hibernation and roosting sites for a range of bat species at Wren's Nest Site of Special Scientific Interest (SSSI) and Castle Hill Local Nature Reserve (LNR). As a consequence of this, a further bat survey has been undertaken to assess this further. This survey identified that bats are not a constraint to the proposed development.
150. The development would also lead to the loss of areas of semi-natural habitats. This should be mitigated for by the creation of semi-natural grassland planting and trees within landscaped areas. Bat boxes, bird boxes and insect tubes should also be incorporated into the development. Should permission be granted it is recommended

that conditions be imposed requiring that the development takes place in accordance with the recommendations of the ecological appraisal.

Flood Risk

151. The NPPF aims to ensure that flood risk is taken into account at all stages of the planning process in order to avoid inappropriate development in areas at risk of flooding. Policy ENV5 of the BCCS requires that proposals for development must demonstrate that the level of flood risk associated with the site is acceptable. The applicant's Flood Risk Assessment identifies that the site lies in Flood Zone 1, and has a low probability of flood risk (the annual probability of flooding is, therefore, less than 1 in 1000 years). There is therefore no requirement to apply a Sequential Test or the Exception Test, as detailed in Paragraph 102 of the NPPF. Appropriate drainage systems would be considered at the reserved matters stage to ensure that the development would fully comply with local and national policy guidance in respect of drainage issues. In accordance with the advice given by the Environment Agency it is recommended that conditions be secured to prevent the increased risk of flooding and to improve and protect water quality.

Renewable Energy

152. The Energy Assessment forming part of this application has been submitted in accordance with the requirements of Policy ENV7 of the BCCS. Policy ENV7 requires that all non-residential developments of more than 1,000 square metres must incorporate a level of energy generated from renewable sources, and the energy assessment must demonstrate that this requirement has been met. It should be considered that the proposed buildings have not been fully designed, therefore the recommendations made in terms of a sustainable energy strategy are indicative only. Notwithstanding this, the submitted Energy Assessment shows that renewable energy requirements can be achieved through a range of technologies, potentially including solar PV, ground source heat pumps, and biomass boilers. The suitability of some or all of these technologies would be dependent on the detailed design and the on-site constraints but sustainable development would be achieved by aiming to

exceed local renewable energy performance criteria, preventing and reducing emissions, enhancing local amenities and creating employment, appropriate forms of design, and reducing wastage through all stages of the development. However further details of the technologies that might be used in the buildings would be required at the Reserved Matters stage.

Contaminated Land

153. Saved Policy UR9 of the UDP requires that, where it is known or suspected that land is contaminated, planning applications should be accompanied by information to determine the remediation required in relation to the proposed land use. A Geo-Environmental Assessment has been submitted as part of the Outline application. The Head of Environmental Health and Trading Standards is generally satisfied with the information submitted and also agrees with the recommendations that requires the applicant to undertake further investigation works into potential land contamination and ground gases. The Head of Environmental Health and Trading Standards have advised that contaminated land conditions should be included in order to protect users of the site. This would be in accordance with Saved Policy UR9 of the UDP which requires that planning applications should be accompanied by sufficient information to determine the remediation required in relation to the proposed land use.

Noise

154. Policy DEL2 of the BCCS requires that no conflict should occur between employment land and or housing. Saved Policy EP7 of the UDP requires that where development would create high noise levels the Council will require the proposal to include measures to reduce noise intrusion to an acceptable level.
155. The applicant's noise survey identifies that the main noise source which could potentially affect the occupiers of the nearest residential properties to the site and located to the south-east on North Street (on the opposite side of the Bypass), is construction noise which would need careful management and liaison with the local

community. Methods of quiet construction and mitigation where possible should also be employed; the traffic noise associated with the building of the New Trindle Road and the operation of the development would not be significant; noise associated with cars using the car park and accessing the proposed petrol filling station would not be significant; plant noise limits should be set so that the existing background night-time noise levels are not increased; a barrier erected at the southern edge of the service area would prevent noise from night-time Heavy Goods Vehicles (HGV) deliveries disturbing residents.

156. The Head of Environmental Health and Trading Standards requires a noise mitigation condition for protecting occupiers of the surrounding dwellings to the south-east from noise pollution. The conditions to be applied would control the background noise level of any fixed plant. A 3 metre high continuous acoustic barrier along the southern most service yard boundary of the site to minimise the noise pollution from the service yard would also be controlled by condition to ensure that the development complies with Saved Policy EP7 of the UDP which requires that developments should include measures to minimise noise emissions where they are expected to generate noise.

Planning Obligations

157. Policy DEL1 of the BCCS sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations Supplementary Planning Document (SPD) provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
158. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

159. The obligations potentially triggered according to the Planning Obligations SPD are Economic and Community Development, Transport Infrastructure Improvements, Air Quality Improvements, Nature Conservation Enhancements, Library Improvements, Public Art, Public Realm Improvements and Historic Environment Improvements.
160. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.

Following consideration of the above tests only the following obligations are required for this application:

On-Site Provision (to be secured by condition)

- Economic and Community Development

This is an obligation on the developer to enter into a local employment statement with the Council in order to provide for economic and community development benefits. This could be in the form of commitments to sourcing building materials locally and the provision of jobs for local people in both the construction and end-use phases. The provision of a statement by the developer would be in accordance with Policy EMP5 of the Core Strategy which advises that planning obligations should be negotiated with the developers/occupiers of major new job creating development to secure initiatives and/or contributions towards the recruitment and training of local people.

- Transport Infrastructure Improvements

Policy TRAN2 of the BCCS requires that development proposals which are likely to have significant transport implications should demonstrate an acceptable level of

accessibility and safety by all modes of transport. To facilitate this, the development would result in substantial onsite highway improvement works, including the realignment of Trindle Road, and junction improvement works at both ends of the new roadway linking it through with Hall Street to the south and back to Trindle Road to the north. To accommodate CENTRO requirements, it is considered appropriate to require the submission of details of signage and Real Time Information (RTI) displays to be installed at the site to assist with shoppers' navigation to the bus station and provide information on bus departures. The provision of this obligation meets the CIL tests in that it will contribute to the delivery of a sustainable development, is being provided directly on the development site itself and is deemed to be in scale and kind to the proposed development.

- Air Quality Improvements

Policy ENV8 of the BCCS advises that adequate and satisfactory mitigation measures must be secured for developments that generate an increase in the number of trips to and from a development site. The preference is for this to be provided through on-site provision, although in some instances it may be appropriate for an off-site financial contribution to be sought. In this case the equivalent off-site contribution is £182,553.66. In lieu of a financial contribution it is considered that the provision of electric vehicle charging points and cycle parking provision within the development will help to contribute to the aims of the Council's Air Quality Action Plan in respect of emission reduction initiatives. As would the ability to accommodate the future Wednesbury-Brierley Hill Midland Metro Extension (WBHE) with stop within the site.

- Nature Conservation Enhancements

To accord with the relevant nature conservation policy framework and legislation, preference is for enhancements to be incorporated into the development (the off-site financial equivalent being £2,305.80). The required enhancements can be sought by ensuring that the development takes place in accordance with the recommendations

of the ecological appraisal and that details of enhancement measures are submitted at the reserved matters stage and secured by condition.

- Public Art

Policy CSP4 of the BCCS requires the provision of public art in major developments, to support and enhance the cultural and social development and identity of the Black Country. In this case art feature(s) could satisfactorily be accommodated within the public realm(s) of the proposed public squares and can be submitted at the reserved matters stage and secured by condition.

- Public Realm

Non-residential developments within centres resulting in a net increase in gross floorspace are required to provide a contribution to public realm improvements. As the scheme is proposing significant public realm works through the introduction of public squares and given that the site is within an area identified for public realm improvements in the Town Centre Area Development Framework it is considered that the development would be in accordance with the requirements of BCCS Policy ENV3 which requires that developments provide a high quality public realm and an attractive, safe and permeable movement network.

- Historic Environment

Developments impacting upon areas of heritage interest or their settings, in this instance, areas of high historic landscape or townscape value and Conservation Areas trigger a requirement for the developer to actively consider a range of measures to address any potentially negative impact, as defined by Policy ENV2 and the Planning Obligation and Historic Environment SPD's. In this instance, the retention and repair of No's 28 to 30 and No's 34 to 37 Hall Street, property stock of circa late 18th Century / early 19th Century would be in accordance, in part, with the policy framework. An obligation upon the developer would also be the requirement to provide interpretation panels within the site, as the site contains historic or local

interest. The site is also adjacent to a Statutory Grade II Listed Building. This would be secured by condition.

CONCLUSION

161. It is recognised that there are potential impacts on some existing food stores within Dudley and the catchment area, the proposed development would lead to the positive improvement of an existing, partly derelict Dudley Town Centre Development Site. It would support the spatial objectives of the BCCS and for Regeneration Corridor 11a which seeks to serve day-to-day shopping needs and have sustainable regeneration benefits. The BCCS Policy CSP1: 'The Growth Network,' promotes a network of vibrant and attractive centres offering an appropriate choice of facilities. The Centres and Regeneration Corridors provide the most sustainable locations for economic and housing growth across the Black Country although improvements are required to accessibility and connectivity.
162. There has been a longstanding commitment to provide a large foodstore to bolster and enhance Dudley Town Centre's convenience retail provision to enable it to meet its role and function in the retail hierarchy in order to achieve a balanced network of centres across the Black Country. The development of a new foodstore would significantly enhance the town centre's overall vitality and viability, would help to retain convenience expenditure and promote wider consumer choice within the catchment area. The proposed foodstore will meet the requirements of Core Strategy Policy CEN4 for Dudley by addressing the existing quantitative and qualitative convenience and comparison retail deficiency in the town centre.
163. There is a sequentially preferable site for a foodstore in the UDP with Saved Policy DTC2 (XII) Block 21 – 'King Street/Flood Street' allocating a site for retail development. Whilst the King St/Flood St Development Block remains a suitable site for retail development, the desirability to provide a comprehensive scheme with strong integration with the existing retail core and landownership means that development at the site is unlikely to come forward in the short term. In these circumstances, we conclude that the Falcon House site does not meet the 'availability

within a reasonable period of time' component of the sequential test. However, the Falcon House Planning Application does not face the sequential test, given the sites allocation for retail-led mixed-use development in the saved policy of the adopted development plan.

164. Even if the Falcon House application was to become available within a reasonable period of time the assessment of cumulative retail impact shows that the incremental adverse effects of a second foodstore of the size currently proposed will be limited and more than offset by the regeneration and employment benefits. The impact analysis demonstrates that all of these consumer choice and trade benefits can be delivered without resulting in a harmful impact on Dudley Town Centre or any other established centre. It has been demonstrated that the potential levels of impact would not be material and cause a significant adverse effect on other centres and food stores within the catchment area. Therefore the application accords with the requirements of the NPPF.
165. No significant adverse impacts have been identified but positive impacts would arise in terms of economic, social, environmental and health and wellbeing issues.
166. In terms of economic issues the development will generate economic outputs, physical regeneration and local employment. The development could create 500 jobs in full and part-time jobs. The development would also generate jobs in the construction phase of the development. The development would therefore generate a significant number of new jobs and economic benefits to Dudley, the Black Country and the West Midlands as a whole at a time of high unemployment.
167. A sufficient amount of parking is to be provided, and the proposed highway improvement works will ensure that the increased vehicular pedestrian and vehicle generation can be satisfactorily accommodated. An appropriate amount of additional infrastructure is to be provided to ensure that the development achieves its sustainability objectives.
168. In terms of social benefits the development will help to achieve the NPPF aim of supporting the health and social well-being of communities, by creating a high quality

built environment within an existing run-down and neglected part of the town centre and by providing an additional option for the residents of the Borough to purchase a range of quality products and healthy foods.

169. With respect to the environmental benefits of the scheme the development will contribute to the enhancement of the built and historic environment, having a positive impact on the appearance of the town centre and the character of the Conservation Area. A sufficient amount of parking is to be provided, and the proposed highway improvement works will ensure that the increased vehicular pedestrian and vehicle generation can be satisfactorily accommodated. An appropriate amount of additional infrastructure is to be provided to ensure that the development achieves its sustainability objectives.

170. Finally there is a positive health and wellbeing impact from the development is well linked to the rest of the centre and the wider area, and proposes clear and legible pedestrian routes, active street frontages and a high quality public space which can help to create healthy, inclusive communities.

RECOMMENDATION

171. It is recommended that the application is approved subject to:

- a) Referral to the Secretary of State for consideration in accordance with Section 77 of the Town and Country Planning Act 1990.
- b) The applicant being invited to make an application to the Secretary of State, under Section 247 of the Town and Country Planning Act 1990 to close, create and improve highways, based upon Drawing No. 977-104 to enable development authorised by planning permission to take place. The full costs and works to the local authorities satisfaction shall be met by the developer;
- c) the following conditions:

A) Commencement and Submission of Reserved Matters

A1) Approval of the details of appearance, layout, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.

Reason Pursuant to article 4 of the Town and Country Planning General Permitted Development Order 1995.

A2) Applications for reserved matters approval must be made not later than the expiration of five years beginning with the date of the grant of outline planning permission; and the development to which the relevant permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason Pursuant to the requirements of section 92 of the Town and Country Planning Act 1990 (as amended).

A3) No reserved matters application shall be first submitted until a Construction Method Statement for the site has been submitted to and approved in writing by the local planning authority. The approved statement shall then be adhered to throughout the construction period, unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction

- vii. a scheme for recycling/disposing of waste resulting from *demolition and construction works*

Reason To ensure high quality design is maintained and to comply with policies DD1 and DD4 of the Dudley Unitary Development Plan, and policy ENV2 and DEL1 of the BCCS.

A4) The reserved matters proposals for this site shall be in general accordance with the approved design and access statement and 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D' and Drawing No. 977-110 submitted in support of this outline application and the Masterplan to be approved under Condition (A5).

Reason To ensure high quality design is maintained and to comply with policies DD1 and DD4 of the Dudley Unitary Development Plan, and policy ENV2 and DEL1 of the BCCS.

A5) Prior to the submission of any Reserved Matters applications, a masterplan and public realm strategy for the development shall be submitted to and approved in writing by the local planning authority.

The masterplan will identify:

- i) the location of entrances and exits;
- ii) the street layout including public squares and spaces for which public realm schemes will be provided within reserved matters submissions;
- iii) the public square levels and site general levels;
- iv) the location, scale and nature of public art provision for which public art schemes will be provided within reserved matters submissions;
- v) the location of pedestrian and cycle routes; and
- vi) the location of any buildings greater than 2 storeys in height and landmark buildings.

Reason To ensure high quality design is maintained and to comply with policies DD1 and DD4 of the Dudley Unitary Development Plan, and policy ENV2 and DEL1 of the BCCS.

A6) The Design and Access Statement for each reserved matters application shall include:

- i) an explanation of how the detailed design conforms with the approved masterplan including any amendments agreed in writing by the Local Planning Authority; and

ii) a public realm scheme and explanation of the design for each public square and space defined on the approved masterplan including any amendments agreed in writing by the Local Planning Authority.

iii) a public art scheme and explanation of the integral provision of public art as defined on the approved masterplan including any amendments agreed in writing by the Local Planning Authority.

Reason To ensure high quality design is maintained and to comply with policies DD1 and DD4 of the Dudley Unitary Development Plan, and policy ENV2 and DEL1 of the BCCS.

A7) No 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 open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development

Reason: In order to facilitate the creation of local jobs for local people in the interests of economic and community development in accordance with policy EMP5 of the BCCS.

B) General and Design

B1) The land uses hereby approved shall be located on the site in general accordance with the 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D', unless otherwise agreed in writing by the local planning authority.

Reason To ensure high quality design is maintained and to comply with saved policies DD1 and DD4 of the UDP and policies ENV 2, ENV3, CSP4 and DEL1 of the BCCS.

B2) Prior to the submission of any reserved matters application related to this permission a strategy for the following shall be submitted to and approved in writing by the local planning authority:

- Public Art

- Hard landscaping (including public realm)
- Soft landscaping
- Means of enclosure
- Street Furniture
- Lighting
- Closed Circuit Television Cameras (CCTV)
- Facing Materials
- Openspace (public and private)
- Nature Conservation Enhancements
- Cycle and pedestrian links into and within the site
- Cycle and pedestrian signage within and adjoining the site

The relevant strategy for the site shall provide detailed design parameters for the delivery of a coherent scheme across the application site as whole, and should be used to inform the details to be submitted with the relevant reserved matters application(s). The strategy shall accord with the parameters included with the design and access statement submitted with planning application P12/1042, unless otherwise agreed in writing by the local planning authority.

Reason To ensure high quality design is maintained and to comply with saved policies DD1 and DD4 of the UDP and policies ENV1, ENV 2, ENV3, CSP3, CSP4 and DEL1 of the BCCS.

B4) No development, excluding demolition, shall commence until detailed plans and sections showing existing site levels and finished floor levels of the building(s) have been submitted to and approved in writing by the local planning authority and the development shall only be carried out as approved.

Reason To ensure that the development is properly integrated with the surroundings and to comply with saved policies DD1 and DD4 of the UDP and policies ENV2, ENV3, CSP4 and DEL1 of the BCCS

B5) No development, excluding demolition, shall commence until a schedule of all materials to be used on the external surfaces walls and/or roof(s) of the building(s) has

been submitted to and approved in writing by the local planning authority and thereafter the development shall only be constructed in accordance with these details.

Reason To ensure that the development is properly integrated with the surroundings and to comply with saved policies DD1 and DD4 of the UDP and policies ENV2, ENV3 and CSP4 of the BCCS

B6) Prior to the installation of any fixed Closed Circuit Television (CCTV) details shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be implemented in accordance with the approved details and be maintained for the life of the development unless otherwise agreed in writing.

Reason In order to protect public safety and the amenity of the occupiers of nearby properties in accordance with saved policies DD1 and DD4 of the UDP and policies ENV2, ENV3, CSP4 and DEL1 of the BCCS.

B7) Prior to the commencement of development an external decorative linear / spotlight RGB LED automatically controlled lighting scheme for the buildings surrounding the public open space shall be submitted to and approved by the local planning authority and thereafter shall be implemented and maintained for the life of the development in accordance with a programme to be agreed in writing by the local planning authority unless otherwise agreed in writing.

Reason In order to protect public safety and the amenity of the occupiers of nearby properties in accordance with saved policy DD1, EP6 and DD4 of the UDP and policies ENV2, ENV3, CSP4 and DEL1 of the BCCS.

B8) A window display shall be provided at all times within the window(s) forming the frontages of the proposed buildings as annotated by the short blue lines on the periphery of the buildings on the 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D'.

Reason To ensure active frontages are created and to allow the development to be properly integrated with the surroundings and to comply with saved policy DD1 of the UDP and policies ENV2, ENV3 and CSP4 of the BCCS

B9) Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of means to ensure that all entrance doors can be easily identified by the use of lighting, visual contrast and manifestations and with the inclusion of weather protection to any manual non-powered entrance doors. In submitting the details regard should be given to the councils Access for All Supplementary Planning Document.

Reason In order to ensure the creation of an inclusive design and to ensure compliance with saved policy DD1 of the UDP and policies ENV3, CSP4 and DEL1 of the BCCS and Supplementary Planing Document - Access For All

C) Drainage and Ground Conditions

C1) The development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- Provision of a suitable Sustainable Drainage Systems (SUDS) design for the site with sufficient storage of surface water in the design event
- Petrol and oil separators where necessary, (car parks and garage forecourt)
- Details of how the scheme shall be maintained and managed after completion

Reason To provide water quality benefits, prevent surface water flood risk and ensure the scheme is maintained for the lifetime of the development and to comply with policy ENV5 of the BCCS

C2) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref; ST12976, Number 003, July 2012) and the following mitigation measure detailed within the FRA. The scheme shall subsequently be implemented in accordance Flood Risk Assessment.

The scheme shall include:

- Limiting the surface water run-off generated by the 1: 100 year plus climate change critical storm event back to equivalent greenfield rates

Reason To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with policy ENV5 of the BCCS.

C3) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

All previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to provide suitable water quality treatment and amenity value
To ensure flood risk does not increase over the lifetime of the development and to comply with policy ENV5 of the BCCS

2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to provide suitable water quality treatment and amenity value and to comply with policy ENV5 of the BCCS.

3. To ensure flood risk does not increase over the lifetime of the development and to comply with policy ENV5 of the BCCS.

C4) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To ensure contamination is not mobilised into the groundwater and to comply with policy ENV5 of the BCCS.

C5) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure there is a mechanism to deal with any previously unrecorded contamination in accordance with saved policy UR9 of the UDP.

C6) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason To prevent mobilisation of any residual contamination to groundwater in accordance with saved policy UR9 of the UDP.

C7) The development hereby permitted shall not be commenced until such time as a

scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

Reason To ensure protection of controlled waters in accordance with policy ENV5 of the BCCS.

C8) No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the local planning authority. Furthermore, no part of the development shall be occupied until the local planning authority has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the local planning authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the local planning authority shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the local planning authority, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the local planning authority and shall include a risk-based interpretation of any identified contaminants in line with United Kingdom guidance;
- iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the local planning authority prior to commencement of

the development. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.

- iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the local planning authority.
- v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the local planning authority shall be notified immediately and remediation proposals formulated/amended for consideration.
- vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the local planning authority shall be notified immediately and remediation proposals formulated/amended for consideration.
- vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the local planning authority for approval.

Reason To ensure that the risks associated with any contamination are reduced to acceptable levels and to ensure that the development complies with saved policy UR9 of the UDP.

C9) No development shall commence until drainage plans showing for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme(s) shall be implemented in accordance with the approved details before the development is first brought into use

Reason To protect Controlled Waters and to comply with and to comply with policy ENV5 of the BCCS.

C10) All surface sustainable drainage (SUDS) facilities on the site shall be constructed to an adoptable standard.

Reason To ensure the SUDS are built to a high standard, to prevent flooding and runoff, are of standard that would allow their adoption by the Council should the Council choose and to comply with policy ENV5 of the BCCS.

C11) No reserved matters application shall be submitted until a detailed strategy for the delivery of sustainable drainage (SUDS) for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include general details of the phasing, delivery, details of soft and hard landscaping relating to the relevant SUDS scheme, as well as the future management and maintenance of the SUDS scheme. The submission should have regards to the design and access statement submitted with planning application P12/1042, and the 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D' submitted with that application. The submitted and approved scheme shall inform the detailed submission for each development phase for the site.

Reason To ensure the SUDS are built to a high standard, to prevent flooding and runoff and to comply with policy ENV5 of the BCCS.

D) Noise, Amenity and Air Quality

D1) Development shall not commence until a low emissions strategy for mitigating the air quality impacts of the development including demolition and construction at the application site and vehicle movements around the Borough shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the proposed development unless otherwise agreed in writing by the local planning authority. The measures in the agreed scheme shall be maintained throughout the life of the development. The Low Emission Strategy shall have targets for emission reduction and timescales, with pollution savings quantified. At the end of each calendar year an implementation plan shall be submitted for approval in writing by the local planning authority, which on approval shall be fully implemented in accordance with the details and measures so approved. The Low Emission Strategy shall

take into account future changing standards and available technologies and be updated accordingly in agreement with the local planning authority.

Reason In the interests of sustainable development and to comply with policy ENV8 of the BCCS.

D2) Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be implemented throughout the construction and demolition phase of the development.

Reason To protect the amenities of nearby residents and comply with saved UDP policies EP7 and DD4 and ENV8 of the BCCS.

D3) Prior to its installation, details of the biomass boiler(s) shall be submitted to and approved in writing by the local planning authority. Such details shall include: an air quality assessment addressing the impacts of nitrogen dioxide and PM10 emitted by the boiler on relevant local receptors, and, as necessary, a scheme for protecting local receptors from the effects of such emissions; the height of the chimney serving the boiler, including its scale, materials and any housing. The boiler shall be installed in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.

Reason To protect the amenities of nearby residents and comply with saved UDP policies EP7 and DD4 and policy ENV8 of the BCCS.

D4) No development shall commence, excluding demolition, until a scheme for a continuous acoustic barrier constructed along the southern most boundary of the service yard of minimum height of 3 metres and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by, the Local Planning Authority.

All works which form part of the approved scheme shall be completed the approved use commences

The barrier shall be retained throughout the life of the development.

Reason To protect the amenities of nearby residents and comply with saved UDP policies EP7 and DD4 and ENV8 of the BCCS.

D5) A Delivery Management Plan for the management and operation of the delivery process (whether laden or unladen) carried out shall be submitted to the local planning authority for written approval. The proposals in the approved Delivery Management Plan shall be fully implemented and maintained throughout the life of the development.

Reason To protect the amenities of nearby residents, ensure that deliveries can take place without affecting the safe operation of the facilities and comply with saved UDP policies EP7 and DD4 and Policy DEL2 of the BCCS.

D6) The proposed uses hereby approved shall be constructed to provide sound attenuation against internally generated noise of not less than 35db averaged over the frequency range of 100-3150hz

Reason To protect the amenities of nearby residents and comply with saved UDP policies EP7 and DD4 and Policy DEL2 of the BCCS

D7) The noise rating level of any fixed plant and/or machinery associated with the development shall not exceed background noise levels at the boundary of any nearby dwelling as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments. The reference background noise level shall at each relevant dwelling shall be that determined by the noise report, reference RPT/005, submitted with the application P12/1042.

Reason To protect the amenities of nearby residents and comply with saved UDP policies EP7 and DD4 and Policy DEL2 of the BCCS

D8) No demolition of any of the buildings shall be commenced until details of wheel wash facilities have been submitted to and approved in writing by the local planning authority. The wheel wash facilities shall then be installed during the demolition and construction phase and the facilities installed as part of this condition shall be maintained and available on site until the development has been completed.

Reason In the interest of highway safety to ensure that vehicles do not leave the site in a dangerous condition and to comply with policy TRAN2 of the BCCS.

D9) No development shall commence until details of the position of the site construction compound has been submitted to and approved in writing by the local planning authority. The construction compound shall thereafter be provided in accordance with the approved plans.

Reason In the interests of amenity and to comply with saved policies DD1 and DD4 of the UDP.

E) Energy

E1) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority (as part of the reserved matters submissions required by condition A2). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of sustainable development and to accord with the aspirations of policy ENV7 of the BCCS.

F) Historic Environment

F1) 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 investigation and recording work including appropriate provision for subsequent analysis, reporting and archiving 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 proposals for the

preservation in situ of archaeological remains identified by evaluation as being of significance or with the written agreement of the local planning authority only appropriate provision for further archaeological investigation and recording required in mitigation of damage to or loss of such archaeological remains. Following approval of the wsi all such works will be carried out in accordance with the agreed details.

Reason The site as a whole is of potential archaeological significance due to its' heritage assets and forming part of the Dudley Town Centre Conservation Area as identified within the Heritage Statement submitted as part of the application (Report No. ST12976, 002, August 2012) and it is important that in accordance with saved policies HE4 and HE11 of the UDP and ENV2 of the BCCS that any archaeological remains uncovered during the implementation of the approved scheme be preserved either in situ or by record.

F2) No works involving the demolition or alteration of existing buildings or built structures identified in the submitted heritage statement shall commence until the developer has secured the implementation of a programme of archaeological buildings recording work to include provision for stripping out or opening up works such as may be required to fully elucidate a buildings significance and specifically in relation to the Locally Listed Metro PH (aka "Empire Vaults" HBSMR 12898) the detailed recording of the internal décor with particular reference to sculptural elements that could be attributed to William Bloye such elements to be carefully removed and offered to the Museums Service of the Council for retention and storage in relation to potential future reuse in a suitable Public Art context and including appropriate provision for subsequent analysis, reporting and archiving all to be in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. Following approval of the WSI all such works will be carried out in accordance with the agreed details.

Reason Buildings on the site are of archaeological interest upon the grant of planning permission and it is important that all structures of significance are fully recorded prior to their alteration or demolition in accordance with saved policies HE4, HE5, HE8 and HE11 of the UDP and ENV2 of the BCCS.

F3) No development shall commence until details of two interpretation panels to be installed at the site (one at Hall Street and about Hall Street and its environs and one to the public realm frontage adjacent to the Grade II Listed Building St Thomas of Canterbury

Church) have been submitted to and approved in writing by the local planning authority. The details shall include design, size, location, artwork and text. The panels shall thereafter be installed in accordance with the approved details, and in accordance with a timetable to be submitted to an approved in writing by the local planning authority. The interpretation panels shall thereafter be retained for the life of the development.

Reason To provide a historic context for the historic fabric and to comply with saved policies HE4, HE5, HE6, HE8 and HE11 of the UDP and policies ENV2 and DEL1 of the BCCS.

G) Retail

G1) The overall floorspace of the foodstore shall be limited to no more than 7,432 m² gross floorspace. No more than 4,459 m² of the floorspace of the building shall be used for net retail sales, with no more than 3,122 m² of that net floorspace shall be used for the sale of convenience goods and no more than 1,337 m² net floorspace shall be used for the sale of comparison goods.

Reason To protect the vitality and vaibility of Dudley Town Centre and to comply with policies DEL1 and CEN4 of the BCCS.

G2) Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 42, Class A of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or order revoking or reacting that order with or without amendment) the food store shall not be extended externally without the express grant of planning permission.

Reason To protect the vitality and vaibility of Dudley Town Centre and to comply with policies DEL1 and CEN4 of the BCCS.

G3) Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 42, Class B of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or order revoking or reacting that order with or without amendment) no trolley stores shall be erected without the express grant of planning permission.

Reason To protect the vitality and vaibility of Dudley Town Centre and to comply with policies DEL1 and CEN4 of the BCCS.

G4) Notwithstanding the provsions of the Town and County Planning Act 1990 (as amended by Section 49 of the Planning and Compusory Purchase Act 2004 and the Town and Country Planning (General Procedural) Order 1995 (as amended) no mezzanene floor(s) shall be provided within the store without the express grant of planning permsion.

Reason To protect the vitality and vaibility of Dudley Town Centre and to comply with policies DEL1 and CEN4 of the BCCS.

G5) Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no buildings, compounds, structures or enclosures which are required temporarily in connection with the development hereby permitted shall be placed or erected on the site or adjacent land until details have been submitted to and approved in writing by the Local Planning Authority. Any matters covered by this condition shall thereafter only be sited in accordance with these approved details.

Reason To protect the vitality and vaibility of Dudley Town Centre and to comply with policies DEL1 and CEN4 of the BCCS.

H) Landscaping and Trees

H1) No development, excluding demolition, shall commence until full details of soft landscaping works have been submitted to and approved in writing by the district planning authority. These details must include, where appropriate, planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, 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 such as trees, hedges and ponds and any scheme should also include proposals for managing these features.

The works approved as part of this condition shall be completed within the first planting season following the first occupation the development.

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 To ensure that the development is properly integrated with the surroundings and to comply with saved policies DD1 and DD4 of the UDP and policies ENV1, ENV 2, ENV3, CSP3, CSP4 and DEL1 of the BCCS

H2) No development, excluding demolition, shall commence until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (e.g. Street furniture, play equipment, refuse areas, lighting etc;) and any retained historic features and proposals for restoration. In submitting the details regard should be given to the councils Access for All Supplementary Planning Document.

The works approved as part of this condition in accordance with a timetable which has been agreed by the local planning authority

Reason To ensure that the development is properly integrated with the surroundings and to comply with saved policies DD1 and DD4 of the UDP and policies ENV1, ENV 2, ENV3, CSP3, CSP4 and DEL1 of the BCCS

H3) No development, excluding demolition, shall commence until full details of the public art provision have been submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be delivered in accordance with with a timetable to be submitted agreed in writing by the Local Planning Authority. The public art shall thereafter be retained for the life of the development.

Reason To enhance the appearance of the development and to comply with saved policy DD9 of the UDP and policies CSP4 and DEL1 of the BCCS.

H4) No development, excluding demolition, 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. No part of the development shall be occupied until these works have been carried out in accordance with the approved details.

Reason To ensure that the development is properly integrated with the surroundings and to comply with saved policies DD1 and DD4 of the UDP and policies ENV 2, ENV3, CSP4 and DEL1 of the BCCS

H5) No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures for that phase. The details shall include:

A. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

B. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.

C. A plan showing the extent of the root protection area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with clause 5.2 of british standard bs: 5837 - 2005 'trees in relation to construction - recommendations'.

D. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of british standard bs:5837 - 2005 'trees in relation to construction - recommendations'

Reason To ensure that those trees and hedges to be retained on the development site are not subject to damage because of either works carried out on site or during the carrying

out of such works in accordance with saved policy NC10 of the UDP and policies ENV1, ENV 2, ENV3, CSP3 and CSP4 of the BCCS

H6) No development or other operations subject of this permission shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed arboricultural method statement has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved method statement. Such method statement shall include full detail of the following:

- implementation, supervision and monitoring of the approved tree protection plan.
- implementation, supervision and monitoring of the approved treework specification.
- implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved tree protection plan.
- timing and phasing of arboricultural works in relation to the approved development.

Reason To ensure that all tree works carried out on site are appropriate and justified in line with the proposed development and the safeguarding of the visual and environmental amenity in accordance saved policy NC10 of the UDP and policies ENV1, ENV 2, ENV3, CSP3 and CSP4 of the BCCS.

H7) No development or other operations subject of this permission shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority. No development or other operations shall commence until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) recommendations for tree work.

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 saved policy NC10 of the UDP and policies ENV1, ENV 2, ENV3, CSP3 and CSP4 of the BCCS.

H8) All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with njug publication number 10 'guidelines for the planning, installation and maintenance of utility services in proximity to trees'

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 saved policy NC10 of the UDP and policies ENV1, ENV 2, ENV3, CSP3 and CSP4 of the BCCS.

H9) No development or other operations subject of this permission shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the local planning authority. The layout shall provide for the long term retention of the trees. No development or other operations on that phase shall take place except in complete accordance with the approved service/drainage layout.

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 saved policy NC10 of the UDP and policies ENV1, ENV 2, ENV3, CSP3 and CSP4 of the BCCS

H10) No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely bs 5837:2005 'trees in relation to construction' and arboricultural advisory & information service practice note 'driveways close to trees' (1996). Any parking areas within 3 metres of existing trees must be constructed using 'no-dig'

techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees

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 saved policy NC10 of the UDP and policies ENV1, ENV 2, ENV3, CSP3 and CSP4 of the BCCS.

1) Highways and Parking

I1) No retail unit shall be first occupied until electric vehicle charging points have been provided to 5% of all parking spaces (unless otherwise agreed in writing by the local planning authority) within each level of the parking area. The electric vehicle charging points and corresponding parking spaces shall thereafter be maintained throughout the life of the development.

An external charging point shall be provided adjacent to each allocated parking space and shall be designated for the sole use of electric vehicles. The charging point shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to EN61296-2.

Reason In the interests of creating a sustainable form of development and to encourage the use of vehicles that are not powered by non renewable energy in accordance with policies ENV8 and DEL1 of the BCCS.

I2) No developmnet shall commence, until details of pedestrian signage have been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The signs shall thereafter be maintained for the life of the development.

Reason In the interests of sustainable development and comply with the NPPF.

I3) No developmnet shall commence, until a cycle strategy including details of signage and parking has been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details in

accordance with a timetable to be submitted to and approved in writing by the local planning authority. The signs shall thereafter be maintained for the life of the development.

Reason In the interests of sustainable development and comply with the NPPF.

14) None of the development hereby approved shall be first commenced until details of shower facilities for staff cycling to work has been submitted to and approved in writing by the local planning authority. The showers for staff shall thereafter be provided in accordance with the approved details and shall be retained for the life of the development.

Reason In the interest of encouraging other forms of transport and to comply with policy TRAN2 of the BCCS.

15) Prior to commencement of development a shopping trolley management plan will be submitted to and approved in writing by the local planning authority. Prior to first use the shopping trolley management plan will be implemented and maintained for the life of the development.

Reason In the interests of highway safety and amenity and to comply with policy TRAN2 of the BCCS and saved policy DD1 of the UDP.

16) No part of the development hereby permitted shall be commenced until details of any shopping trolley storage structures within the car park area have been submitted to and approved in writing by the local planning authority. The structures shall thereafter be provided in accordance with the approved details.

Reason In the interests of highway safety and amenity and to comply with policy TRAN2 of the BCCS and saved policy DD1 of the UDP.

17) No part of the development hereby permitted shall be commenced until a car park management strategy, including charges and duration of stay permitted have been submitted to and approved in writing by the local planning authority. The management strategy shall thereafter be provided in accordance with the approved details.

Reason In the interests of highway safety and amenity and to comply with policy TRAN2 of the BCCS and saved policy DD1 of the UDP.

I8) No building on the site shall be first occupied until the parking for that building has been provided in accordance with the approved details. The parking to that building shall thereafter be made available at all times for parking and shall be retained for the life of the development. In submitting the details regard should be given to the councils parking standards.

Reason In the interests of highway safety and to comply with policy TRAN2 of the BCCS

I9) No development shall commence until the full technical highway design of the roads (including cycle lanes), pedestrian facilities and the public square within the site or affected by the external highway works, as indicated on Drawing No. 977-110 including details of lines, levels, cross sections, lighting, drainage, structures and signage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details (including the completion of the realigned Trindle Road) prior to the first occupation of the buildings.

Reason To ensure the local road network is not adversely affected by the development and to comply with policy TRAN 2 of the BCCS

I10) The food store and the retail unit hereby approved shall not be first occupied or be first brought in to use until the junction improvements to Castle Gate Roundabout have been carried out in accordance with Drawing No. 977-115, unless otherwise agreed in writing by the local planning authority.

Reason To ensure the local road network is not adversely affected by the development and to comply with policy TRAN 2 of the BCCS.

I11) 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, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley 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 order to safeguard the amenities of the occupiers of the proposed and nearby dwellings in respect of atmospheric pollution and in the interests of sustainability, in accordance with policy TRAN 2 of the BCCS.

I12) All redundant dropped kerbs in the area of the Highway Works on the development shall be removed and replaced with full height kerbs and the adjacent Highway made good.

Reason In the interests of highway safety and to comply with policy TRAN 2 of the BCCS.

I13) Prior to first occupation or first use of any of the development all redundant street furniture within the development shall be removed and the Highway made good.

Reason In the interests of highway safety and to comply with policy TRAN 2 of the BCCS.

I14) No development shall commence until details of a scheme of works to identify, quantify and map onto a plan to be agreed in writing by the local planning authority of the location and condition of existing pink granite road kerbs. The plan shall identify a method of *extraction* and careful handling to avoid damage, cleaning and safe storage and a method of reuse within the application site public realm scheme; and any pink granite road kerbs not required as part of the public realm works within the public highway ownership shall then be transported at the developers cost to a Council approved Safe Storage within the Dudley Borough unless otherwise agreed in writing by the local planning authority.

Reason In order to ensure the creation of an inclusive design and to ensure compliance with saved policy DD1 of the UDP, TRAN2 of the BCCS and Supplementary Planning Document - Access For All

I15) No development shall commence until details of the highway works to include improvements to the pedestrian footway and street lighting on the northern side of Fisher Street between its junction with Birmingham Street and the service area to Birdcage Walk has been submitted to and approved in writing by the local planning authority prior to the

start of the development and implemented prior to the first trading of the development hereby approved.

Reason In order to ensure the creation of an inclusive design and to ensure compliance with saved policy DD1 of the UDP and policies DEL1 and TRAN2 of the BCCS and Supplementary Planning Document - Access For All.

I16) The applicant shall provide a package of highway measures which have been agreed with the Local Planning Authority and all necessary consents, licenses, permits or agreements have been completed or obtained in respect of such measures. The package of measures shall include Traffic Regulation Orders (TRO) to secure:-

1. Amend the existing *No Waiting At Any Time* TRO on Trindle Road, in the vicinity of Dudley Motor Company.
2. Introduce a *No Waiting or Loading At Any Time* TRO on the St Joseph's Street gyratory system, with the exception of the Taxi Rank.
3. Revoke the existing *One-Way* TRO in place on St Joseph's Street.
4. Introduce a *One-Way* TRO, in a clockwise direction on the St Joseph's Street gyratory system.
5. Introduce a Taxi Rank TRO on the St Joseph's Street gyratory system.
6. A *Prohibition of Driving* TRO will be required at the junction of the St Joseph's Street gyratory and the access to the Bus Station to restrict access to buses only.
7. Introduce a *No Waiting At Any Time* TRO on the diverted section of Trindle Road.
8. Revoke existing TRO on Hall Street between King Street and Dudley Row.
9. Introduce a *No Waiting or Loading At Any Time* TRO on Hall Street between King Street and Dudley Row; with the exception of the loading bay outside No. 30 to 33 Hall Street.
10. *Loading Bay* TRO for proposed loading bay outside No. 30 to 33 Hall Street.
11. Introduce a TRO to restrict access from Hall Street to Birmingham Street to buses only.

12. Revoke existing TRO's on Trindle Road, Porter Street and Portersfield.

13. Introduce a *Prohibition of Driving* TRO will be required across the public square, to restrict its use to pedestrians.

The development shall not be occupied until all such measures have been substantially completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of highway safety and to comply with policy TRAN2 of the BCCS.

I17) No demolition or construction shall take place on any part of the site until a Construction Method Statement incorporating a Construction Environmental Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. traffic management scheme for delivering the scheme and its associated highway improvements
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. construction hours
- vi. noise control devices (silencers, SMART reversing alarms etc)
- vii. delivery routeing
- viii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- ix. wheel washing facilities
- x. measures to control the emission of dust and dirt during construction
- xi. measures to control the impact of vibration on surrounding buildings
- xii. a scheme for the recycling/disposing of waste resulting from construction works.

Reason: In the interest of highway safety to ensure that vehicles do not leave the site in a dangerous condition and to comply with policy TRAN2 of the BCCS.

I18) Information on public transport services, in the form of an electronic 'Real Time Information Display' shall be provided to the satisfaction of the Local Planning Authority prior to the opening of the development

Reason: In the interest of encouraging other forms of transport and to comply with policy TRAN2 of the BCCS.

J) Nature Conservation

J1) No development shall commence until a species survey and assessment is carried out within the twelve months prior to the commencement of development and shall be submitted to and approved in writing by the local planning authority, and the development shall proceed in accordance with the approved details and methods.

Reason To protect the wildlife interests of the site in accordance with policies NC1, NC6 of the UDP and policy ENV1 of the BCCS.

J2) Detailed working protocols, based on good practice such the Pollution Prevention Guidelines PPG1 (general) by the Environment Agency, should be prepared and adhered to during all works. These should ensure no negative impacts could occur, such as contamination, light pollution or disturbance affects the adjacent wildlife site and/or protected species. The location of the temporary compound should be identified on the plan for plant and material storage during construction. These protocols must be submitted and approved in writing by the Council before any works commence. All works must be carried out in accordance to the approved protocols.

Reason To ensure development methodology is appropriate the ecology of the site and its surrounds. Consideration has been given to policy ENV1 of the BCCS and NC6 of the UDP and wildlife legislation.

J3) A detailed Ecological Delivery Plan (including establishment and ongoing maintenance programme), taking into account appropriate compensation, mitigation and enhancements for nature conservation should be submitted and approved by the Local Planning Authority prior to the commencement of development. The Plan should encompass the recommendations of the Environmental Statement including:

- Wider landscaping using native/wildlife attracting species
- Use of landscaping techniques and other recommendations to provide compensatory habitats
- Artificial bat roost provision including in the improvements to the tunnel
- Development and implementation of a Habitats Management Plan
- Sensitive outside lighting to avoid impacts on bat roosting, foraging and commuting
- Delivering native wildflower grassland and native tree planting in public open spaces
- Methodology for the protection of nesting birds.
- Methodology for the avoidance of demolition/construction dust harming vegetation.
- Methodology for the avoidance of water pollution. The volume and quality of these should relate to the requirements of the Planning Obligations SPD.

All works must be carried out in accordance to the approved plans and programmes and shall be retained as such thereafter.

Reason: To ensure development is appropriate to the site's ecology and provides adequate levels of mitigation and enhancement. Consideration has been given to policy ENV1 of the BCCS and policies DD10, NC1, NC6 and NC9 of the UDP.

J4) If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the local planning authority must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.

Reason: To ensure development safeguards the site's ecology. Consideration has been given to policy ENV1 of the BCCS and NC6 of the UDP and wildlife legislation.

J5) The demolition of the buildings and the clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations.

Reason: To ensure development safeguards the site's ecology in accordance with Policy NC6 of the UDP and wildlife legislation.

K)Coal Authority

K1) Prior to the commencement of development, an intrusive mining investigation shall be undertaken in order to establish the exact situation regarding the coal mining legacy issues across the site. If these site investigation works confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, then details of these remedial works identified by the site investigation shall be submitted to, and agreed in writing by the local planning authority prior to commencement of the development. The agreed remedial works shall then be undertaken prior to the commencement of development.

Reason: To ensure the safety and stability of the development in accordance with saved policy UR10 of the UDP

Reason for approval

It is recognised that there are potential impacts on some existing food stores within Dudley and the catchment area, the proposed development would lead to the positive improvement of an existing, partly derelict Dudley Town Centre Development Site. It would support the spatial objectives of the BCCS and for Regeneration Corridor 11a which seeks to serve day-to-day shopping needs and have sustainable regeneration benefits. The BCCS Policy CSP1: 'The Growth Network,' promotes a network of vibrant and attractive centres offering an appropriate choice of facilities. The Centres and Regeneration Corridors provide the most sustainable locations for economic and housing growth across the Black Country although improvements are required to accessibility and connectivity.

There has been a longstanding commitment to provide a large foodstore to bolster and enhance Dudley Town Centre's convenience retail provision to enable it to meet its role and function in the retail hierarchy in order to achieve a balanced network of centres across the Black Country. The development of a new foodstore would significantly enhance the town centre's overall vitality and viability, would help to retain convenience expenditure and promote wider consumer choice within the catchment area. The proposed

foodstore will meet the requirements of Core Strategy Policy CEN4 for Dudley by addressing the existing quantitative and qualitative convenience and comparison retail deficiency in the town centre.

There is a sequentially preferable site for a foodstore in the UDP with Saved Policy DTC2 (XII) Block 21 – ‘King Street/Flood Street’ allocating a site for retail development. Whilst the King St/Flood St Development Block remains a suitable site for retail development, the desirability to provide a comprehensive scheme with strong integration with the existing retail core and landownership means that development at the site is unlikely to come forward in the short term. In these circumstances, we conclude that the Falcon House site does not meet the ‘availability within a reasonable period of time’ component of the sequential test. However, the Falcon House Planning Application does not face the sequential test, given the sites allocation for retail-led mixed-use development in the saved policy of the adopted development plan.

Even if the Falcon House application was to become available within a reasonable period of time the assessment of cumulative retail impact shows that the incremental adverse effects of a second foodstore of the size currently proposed will be limited and more than offset by the regeneration and employment benefits. The impact analysis demonstrates that all of these consumer choice and trade benefits can be delivered without resulting in a harmful impact on Dudley Town Centre or any other established centre. It has been demonstrated that the potential levels of impact would not be material and cause a significant adverse effect on other centres and food stores within the catchment area. Therefore the application accords with the requirements of the NPPF.

No significant adverse impacts have been identified but positive impacts would arise in terms of economic, social, environmental and health and wellbeing issues.

In terms of economic issues the development will generate economic outputs, physical regeneration and local employment. The development could create 500 jobs in full and part-time jobs. The development would also generate jobs in the construction phase of the development. The development would therefore generate a significant number of new jobs

and economic benefits to Dudley, the Black Country and the West Midlands as a whole at a time of high unemployment.

A sufficient amount of parking is to be provided, and the proposed highway improvement works will ensure that the increased vehicular pedestrian and vehicle generation can be satisfactorily accommodated. An appropriate amount of additional infrastructure is to be provided to ensure that the development achieves its sustainability objectives.

In terms of social benefits the development will help to achieve the NPPF aim of supporting the health and social well-being of communities, by creating a high quality built environment within an existing run-down and neglected part of the town centre and by providing an additional option for the residents of the Borough to purchase a range of quality products and healthy foods.

With respect to the environmental benefits of the scheme the development will contribute to the enhancement of the built and historic environment, having a positive impact on the appearance of the town centre and the character of the Conservation Area. A sufficient amount of parking is to be provided, and the proposed highway improvement works will ensure that the increased vehicular pedestrian and vehicle generation can be satisfactorily accommodated. An appropriate amount of additional infrastructure is to be provided to ensure that the development achieves its sustainability objectives.

Finally there is a positive health and wellbeing impact from the development is well linked to the rest of the centre and the wider area, and proposes clear and legible pedestrian routes, active street frontages and a high quality public space which can help to create healthy, inclusive communities.

The decision to grant planning permission has been taken with regard to the Saved Dudley Unitary Development Plan policies, the Adopted Black Country Core Strategy and to all relevant material considerations including Supplementary Planning Guidance.

The proposal is considered to accord with the National Planning Policy Framework and Local Planning Policy Framework and on balance, the wider regeneration benefits are significant enough a material consideration to outweigh any potential breach and would

justify the grant of permission.

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.

Approval Statement

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.

Notes to Applicant

Dudley MBC

This outline permission does not relate to the layout, in detail, or authorise the erection of any buildings, shown on the plans accompanying the application.

The reserved matters proposals for this site shall be in general accordance with the design and access statement submitted in support of this outline application.

The applicant should be aware that compliance with planning legislation does not exempt them from the need to ensure that the development is in accordance with all other relevant legislation (e.g. building regulations, wildlife protection etc.).

Environment Agency

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. The plan must be in

place before work begins. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

The developer should be committed to minimising the amount of waste that will be produced, manage any waste arisings according to the waste hierarchy, and consider opportunities for on-site reuse / management of construction and demolition waste where it arises, providing it is safe and appropriate to do so.

Site design should aim to minimise waste arisings and facilitate the sustainable management of waste throughout the whole life of the development ('cradle-to-cradle' design). This will mean considering the design of buildings and supporting infrastructure with respect to their future repair and eventual demolition in the selection of construction mechanisms and materials, and the design of communities and supporting services to encourage and enable communities to follow the waste hierarchy – reduce, re-use, recycle, recover, with landfill as the last resort.

The site design should look at each step of the waste management process – from minimising waste produced in the first instance, storage and collection, to maximising value through re-use, recycling and recovery. Ensuring adequate interior and exterior storage space and give thought to spatial issues for waste collection. Making suitable provisions for recycling in public spaces.

Aiming to reduce transport-related emissions resulting from waste management (e.g. by managing waste close to the source where it was produced as far as possible and by considering routing of waste collection vehicles at the design stage).

Storage of chemicals

Any facilities for the storage of oils fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least the capacity of the tank

plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

This is a requirement of the (Oil Storage) (England) Regulations 2001.

Coal Authority

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority; for further information please contact the Coal Authority.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website.

Abbreviations

BCCS – Black Country Core Strategy

SUDS – Sustainable Urban Drainage Systems
UDP – Dudley Unitary Development Plan
NPPF – National Planning Policy Framework
TRO – Traffic Regulation Order
RTI – Real Time Information
WBHE – Wednesbury-Brierley Hill Midland Metro Extension

Conditions and/or reasons:

1. Approval of the details of appearance, layout, scale and landscaping of the site (hereinafter called ‘the reserved matters’) shall be obtained from the local planning authority before any development is begun.
2. Applications for reserved matters approval must be made not later than the expiration of five years beginning with the date of the grant of outline planning permission; and the development to which the relevant permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. No reserved matters application shall be first submitted until a Construction Method Statement for the site has been submitted to and approved in writing by the local planning authority. The approved statement shall then be adhered to throughout the construction period, unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
4. The reserved matters proposals for this site shall be in general accordance with the approved design and access statement and ‘Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D’ and Drawing No. 977-110 submitted in support of this outline application and the Masterplan to be approved under Condition (A5).
5. Prior to the submission of any Reserved Matters applications, a masterplan and public realm strategy for the development shall be submitted to and approved in writing by the local planning authority.
The masterplan will identify:
 - i) the location of entrances and exits;
 - ii) the street layout including public squares and spaces for which public realm

- schemes will be provided within reserved matters submissions;
- iii) the public square levels and site general levels;
 - iv) the location, scale and nature of public art provision for which public art schemes will be provided within reserved matters submissions;
 - v) the location of pedestrian and cycle routes; and
 - vi) the location of any buildings greater than 2 storeys in height and landmark buildings.
6. The Design and Access Statement for each reserved matters application shall include:
 - i) an explanation of how the detailed design conforms with the approved masterplan including any amendments agreed in writing by the Local Planning Authority; and
 - ii) a public realm scheme and explanation of the design for each public square and space defined on the approved masterplan including any amendments agreed in writing by the Local Planning Authority.
 - iii) a public art scheme and explanation of the integral provision of public art as defined on the approved masterplan including any amendments agreed in writing by the Local Planning Authority.
 7. No 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 open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the Council's Planning Obligations Supplementary Planning Document. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development
 8. The land uses hereby approved shall be located on the site in general accordance with the 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D', unless otherwise agreed in writing by the local planning authority.
 9. Prior to the submission of any reserved matters application related to this permission a strategy for the following shall be submitted to and approved in writing by the local planning authority:
 - Public Art
 - Hard landscaping (including public realm)
 - Soft landscaping
 - Means of enclosure
 - Street Furniture
 - Lighting
 - Closed Circuit Television Cameras (CCTV)
 - Facing Materials
 - Openspace (public and private)
 - Nature Conservation Enhancements
 - Cycle and pedestrian links into and within the site
 - Cycle and pedestrian signage within and adjoining the site

The relevant strategy for the site shall provide detailed design parameters for the delivery of a coherent scheme across the application site as whole, and should be used to inform the details to be submitted with the relevant reserved matters

application(s). The strategy shall accord with the parameters included with the design and access statement submitted with planning application P12/1042, unless otherwise agreed in writing by the local planning authority.

10. No development, excluding demolition, shall commence until detailed plans and sections showing existing site levels and finished floor levels of the building(s) have been submitted to and approved in writing by the local planning authority and the development shall only be carried out as approved.
11. No development, excluding demolition, shall commence until a schedule of all materials to be used on the external surfaces walls and/or roof(s) of the building(s) has been submitted to and approved in writing by the local planning authority and thereafter the development shall only be constructed in accordance with these details.
12. Prior to the installation of any fixed Closed Circuit Television (CCTV) details shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be implemented in accordance with the approved details and be maintained for the life of the development unless otherwise agreed in writing.
13. Prior to the commencement of development an external decorative linear / spotlight RGB LED automatically controlled lighting scheme for the buildings surrounding the public open space shall be submitted to and approved by the local planning authority and there after shall be implemented and maintained for the life of the development in accordance with a programme to be agreed in writing by the local planning authority unless otherwise agreed in writing.
14. A window display shall be provided at all times within the window(s) forming the frontages of the proposed buildings as annotated by the short blue lines on the periphery of the buildings on the 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D'.
15. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of means to ensure that all entrance doors can be easily identified by the use of lighting, visual contrast and manifestations and with the inclusion of weather protection to any manual non-powered entrance doors. In submitting the details regard should be given to the councils Access for All Supplementary Planning Document.
16. The development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - Provision of a suitable Sustainable Drainage Systems (SUDS) design for the site with sufficient storage of surface water in the design event
 - Petrol and oil separators where necessary, (car parks and garage forecourt)
 - Details of how the scheme shall be maintained and managed after completion
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref; ST12976, Number 003, July 2012) and the following mitigation measure detailed within the FRA. The scheme shall subsequently be implemented in accordance Flood Risk Assessment.

The scheme shall include:

 - Limiting the surface water run-off generated by the 1: 100 year plus climate

change critical storm event back to equivalent greenfield rates

18. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
All previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.
19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
21. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
22. The development hereby permitted shall not be commenced until such time as a scheme to install the underground tank(s) has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully

implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.

23. No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the local planning authority. Furthermore, no part of the development shall be occupied until the local planning authority has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the local planning authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the local planning authority shall be fully established before the desk-study is commenced;
- ii) Once the desk study has been approved by the local planning authority, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the local planning authority and shall include a risk-based interpretation of any identified contaminants in line with United Kingdom guidance;
- iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the local planning authority prior to commencement of the development. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.
- iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the local planning authority.
- v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the local planning authority shall be notified immediately and remediation proposals formulated/amended for consideration.
- vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the local planning authority shall be notified immediately and remediation proposals formulated/amended for consideration.
- vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the local planning authority for

approval.

24. No development shall commence until drainage plans showing for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme(s) shall be implemented in accordance with the approved details before the development is first brought into use
25. All surface sustainable drainage (SUDS) facilities on the site shall be constructed to an adoptable standard.
26. No reserved matters application shall be submitted until a detailed strategy for the delivery of sustainable drainage (SUDS) for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include general details of the phasing, delivery, details of soft and hard landscaping relating to the relevant SUDS scheme, as well as the future management and maintenance of the SUDS scheme. The submission should have regards to the design and access statement submitted with planning application P12/1042, and the 'Illustrative Scheme Masterplan Proposal – Drawing No. 10167/PA04 Revision D' submitted with that application. The submitted and approved scheme shall inform the detailed submission for each development phase for the site.
27. Development shall not commence until a low emissions strategy for mitigating the air quality impacts of the development including demolition and construction at the application site and vehicle movements around the Borough shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before occupation of the proposed development unless otherwise agreed in writing by the local planning authority. The measures in the agreed scheme shall be maintained throughout the life of the development. The Low Emission Strategy shall have targets for emission reduction and timescales, with pollution savings quantified. At the end of each calendar year an implementation plan shall be submitted for approval in writing by the local planning authority, which on approval shall be fully implemented in accordance with the details and measures so approved. The Low Emission Strategy shall take into account future changing standards and available technologies and be updated accordingly in agreement with the local planning authority.
28. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be implemented throughout the construction and demolition phase of the development.
29. Prior to its installation, details of the biomass boiler(s) shall be submitted to and approved in writing by the local planning authority. Such details shall include: an air quality assessment addressing the impacts of nitrogen dioxide and PM10 emitted by the boiler on relevant local receptors, and, as necessary, a scheme for protecting local receptors from the effects of such emissions; the height of the chimney serving the boiler, including its scale, materials and any housing. The boiler shall be installed in accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.
30. No development shall commence, excluding demolition, until a scheme for a continuous acoustic barrier constructed along the southern most boundary of the service yard of minimum height of 3 metres and minimum surface density of 10 kg/m² shall be submitted to and approved in writing by, the Local Planning

Authority.

All works which form part of the approved scheme shall be completed the approved use commences

The barrier shall be retained throughout the life of the development.

31. A Delivery Management Plan for the management and operation of the delivery process (whether laden or unladen) carried out shall be submitted to the local planning authority for written approval. The proposals in the approved Delivery Management Plan shall be fully implemented and maintained throughout the life of the development.
32. The proposed uses hereby approved shall be constructed to provide sound attenuation against internally generated noise of not less than 35db averaged over the frequency range of 100-3150hz
33. The noise rating level of any fixed plant and/or machinery associated with the development shall not exceed background noise levels at the boundary of any nearby dwelling as assessed under the methodology of BS 4142 (1997) (Method for rating industrial noise affecting mixed residential and industrial areas) and/or its subsequent amendments. The reference background noise level shall at each relevant dwelling shall be that determined by the noise report, reference RPT/005, submitted with the application P12/1042.
34. No demolition of any of the buildings shall be commenced until details of wheel wash facilities have been submitted to and approved in writing by the local planning authority. The wheel wash facilities shall then be installed during the demolition and construction phase and the facilities installed as part of this condition shall be maintained and available on site until the development has been completed.
35. No development shall commence until details of the position of the site construction compound has been submitted to and approved in writing by the local planning authority. The construction compound shall thereafter be provided in accordance with the approved plans.
36. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority (as part of the reserved matters submissions required by condition A2). The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.
37. 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 investigation and recording work including appropriate provision for subsequent analysis, reporting and archiving 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 proposals for the preservation in situ of archaeological remains identified by evaluation as being of significance or with the written

agreement of the local planning authority only appropriate provision for further archaeological investigation and recording required in mitigation of damage to or loss of such archaeological remains. Following approval of the WSI all such works will be carried out in accordance with the agreed details.

38. No works involving the demolition or alteration of existing buildings or built structures identified in the submitted heritage statement shall commence until the developer has secured the implementation of a programme of archaeological buildings recording work to include provision for stripping out or opening up works such as may be required to fully elucidate a buildings significance and specifically in relation to the Locally Listed Metro PH (aka "Empire Vaults" HBSMR 12898) the detailed recording of the internal décor with particular reference to sculptural elements that could be attributed to William Bloye such elements to be carefully removed and offered to the Museums Service of the Council for retention and storage in relation to potential future reuse in a suitable Public Art context and including appropriate provision for subsequent analysis, reporting and archiving all to be in accordance with a written scheme of investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. Following approval of the WSI all such works will be carried out in accordance with the agreed details.
39. No development shall commence until details of two interpretation panels to be installed at the site (one at Hall Street and about Hall Street and its environs and one to the public realm frontage adjacent to the Grade II Listed Building St Thomas of Canterbury Church) have been submitted to and approved in writing by the local planning authority. The details shall include design, size, location, artwork and text. The panels shall thereafter be installed in accordance with the approved details, and in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The interpretation panels shall thereafter be retained for the life of the development.
40. The overall floorspace of the foodstore shall be limited to no more than 7,432 m² gross floorspace. No more than 4,459 m² of the floorspace of the building shall be used for net retail sales, with no more than 3,122 m² of that net floorspace shall be used for the sale of convenience goods and no more than 1,337 m² net floorspace shall be used for the sale of comparison goods.
41. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 42, Class A of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or order revoking or reacting that order with or without amendment) the food store shall not be extended externally without the express grant of planning permission.
42. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 42, Class B of the Town and Country Planning (General Permitted Development Order) 1995 (as amended) (or order revoking or reacting that order with or without amendment) no trolley stores shall be erected without the express grant of planning permission.
43. Notwithstanding the provisions of the Town and Country Planning Act 1990 (as amended by Section 49 of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (General Procedural) Order 1995 (as amended) no mezzanine floor(s) shall be provided within the store without the express grant of planning permission.

44. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no buildings, compounds, structures or enclosures which are required temporarily in connection with the development hereby permitted shall be placed or erected on the site or adjacent land until details have been submitted to and approved in writing by the Local Planning Authority. Any matters covered by this condition shall thereafter only be sited in accordance with these approved details.
45. No development, excluding demolition, shall commence until full details of soft landscaping works have been submitted to and approved in writing by the district planning authority. These details must include, where appropriate, planting plans, written specifications including cultivation and other operations associated with plant and grass establishment, 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 such as trees, hedges and ponds and any scheme should also include proposals for managing these features.

The works approved as part of this condition shall be completed within the first planting season following the first occupation the development.

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.

46. No development, excluding demolition, shall commence until full details of hard landscape works have been submitted to and approved in writing by the local planning authority. The details must include existing and proposed finished levels or contours; the position, design and materials of all site enclosures, car parking layout and other vehicular and pedestrian areas; hard surfacing materials, minor artefacts and structures (e.g. Street furniture, play equipment, refuse areas, lighting etc;) and any retained historic features and proposals for restoration. In submitting the details regard should be given to the councils Access for All Supplementary Planning Document.

The works approved as part of this condition in accordance with a timetable which has been agreed by the local planning authority

47. No development, excluding demolition, shall commence until full details of the public art provision have been submitted to and approved in writing by the Local Planning Authority. The public art shall thereafter be delivered in accordance with with a timetable to be submitted agreed in writing by the Local Planning Authority. The public art shall thereafter be retained for the life of the development.
48. No development, excluding demolition, 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. No

part of the development shall be occupied until these works have been carried out in accordance with the approved details.

49. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures for that phase. The details shall include:

A. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

B. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.

C. A plan showing the extent of the root protection area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with clause 5.2 of british standard bs: 5837 - 2005 'trees in relation to construction - recommendations'.

D. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of british standard bs:5837 - 2005 'trees in relation to construction - recommendations'

50. No development or other operations subject of this permission shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed arboricultural method statement has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place except in complete accordance with the approved method statement. Such method statement shall include full detail of the following:

- implementation, supervision and monitoring of the approved tree protection plan.
- implementation, supervision and monitoring of the approved treework specification.
- implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved tree protection plan.
- timing and phasing of arboricultural works in relation to the approved development.

51. No development or other operations subject of this permission shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority. No development or other operations shall commence until the approved tree felling and pruning works have been completed. All tree felling and pruning

shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) recommendations for tree work.

52. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with njug publication number 10 'guidelines for the planning, installation and maintenance of utility services in proximity to trees'
53. No development or other operations subject of this permission shall commence (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the local planning authority. The layout shall provide for the long term retention of the trees. No development or other operations on that phase shall take place except in complete accordance with the approved service/drainage layout.
54. No development shall take place until there has been submitted to and approved in writing by the local planning authority technical details of any proposed pathway / hard surfacing / driveway / parking area within 3 metres of the outer canopy spread of any existing tree situated on or off the site. The details of the vehicular access and parking areas shall include existing and proposed ground levels, materials to be used and the relative time of construction within the whole development and must be in accordance with appropriate guidelines, namely bs 5837:2005 'trees in relation to construction' and arboricultural advisory & information service practice note 'driveways close to trees' (1996). Any parking areas within 3 metres of existing trees must be constructed using 'no-dig' techniques incorporating appropriate surfaces to avoid damage to trees and to prevent any potential direct or indirect damage caused by trees
55. No retail unit shall be first occupied until electric vehicle charging points have been provided to 5% of all parking spaces (unless otherwise agreed in writing by the local planning authority) within each level of the parking area. The electric vehicle charging points and corresponding parking spaces shall thereafter be maintained throughout the life of the development.

An external charging point shall be provided adjacent to each allocated parking space and shall be designated for the sole use of electric vehicles. The charging point shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to EN61296-2.

56. No developmnet shall commence, until details of pedestrian signage have been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The signs shall thereafter be maintained for the life of the development.
57. No developmnet shall commence, until a cycle strategy including details of signage and parking has been submitted to and approved in writing by the local planning authority. The development shall be implemented in full accordance with the approved details in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The signs shall thereafter be maintained for the life of the development.

58. None of the development hereby approved shall be first commenced until details of shower facilities for staff cycling to work has been submitted to and approved in writing by the local planning authority. The showers for staff shall thereafter be provided in accordance with the approved details and shall be retained for the life of the development.
59. Prior to commencement of development a shopping trolley management plan will be submitted to and approved in writing by the local planning authority. Prior to first use the shopping trolley management plan will be implemented and maintained for the life of the development.
60. No part of the development hereby permitted shall be commenced until details of any shopping trolley storage structures within the car park area have been submitted to and approved in writing by the local planning authority. The structures shall thereafter be provided in accordance with the approved details.
61. No part of the development hereby permitted shall be commenced until a car park management strategy, including charges and duration of stay permitted have been submitted to and approved in writing by the local planning authority. The management strategy shall thereafter be provided in accordance with the approved details.
62. No building on the site shall be first occupied until the parking for that building has been provided in accordance with the approved details. The parking to that building shall thereafter be made available at all times for parking and shall be retained for the life of the development. In submitting the details regard should be given to the councils parking standards.
63. No development shall commence until the full technical highway design of the roads (including cycle lanes), pedestrian facilities and the public square within the site or affected by the external highway works, as indicated on Drawing No. 977-110 including details of lines, levels, cross sections, lighting, drainage, structures and signage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved details (including the completion of the realigned Trindle Road) prior to the first occupation of the buildings.
64. The food store and the retail unit hereby approved shall not be first occupied or be first brought in to use until the junction improvements to Castle Gate Roundabout have been carried out in accordance with Drawing No. 977-115, unless otherwise agreed in writing by the local planning authority.
65. 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, Staff Travel Survey, Car Parking Management, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley 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.
66. All redundant dropped kerbs in the area of the Highway Works on the development shall be removed and replaced with full height kerbs and the adjacent Highway made good.
67. Prior to first occupation or first use of any of the development all redundant street furniture within the development shall be removed and the Highway made good.

68. No development shall commence until details of a scheme of works to identify, quantify and map onto a plan to be agreed in writing by the local planning authority of the location and condition of existing pink granite road kerbs. The plan shall identify a method of extraction and careful handling to avoid damage, cleaning and safe storage and a method of reuse within the application site public realm scheme; and any pink granite road kerbs not required as part of the public realm works within the public highway ownership shall then be transported at the developers cost to a Council approved Safe Storage within the Dudley Borough unless otherwise agreed in writing by the local planning authority.
69. No development shall commence until details of the highway works to include improvements to the pedestrian footway and street lighting on the northern side of Fisher Street between its junction with Birmingham Street and the service area to Birdcage Walk has been submitted to and approved in writing by the local planning authority prior to the start of the development and implemented prior to the first trading of the development hereby approved.
70. The applicant shall provide a package of highway measures which have been agreed with the Local Planning Authority and all necessary consents, licenses, permits or agreements have been completed or obtained in respect of such measures. The package of measures shall include Traffic Regulation Orders (TRO) to secure:-
1. Amend the existing No Waiting At Any Time TRO on Trindle Road, in the vicinity of Dudley Motor Company.
 2. Introduce a No Waiting or Loading At Any Time TRO on the St Joseph's Street gyratory system, with the exception of the Taxi Rank.
 3. Revoke the existing One-Way TRO in place on St Joseph's Street.
 4. Introduce a One-Way TRO, in a clockwise direction on the St Joseph's Street gyratory system.
 5. Introduce a Taxi Rank TRO on the St Joseph's Street gyratory system.
 6. A Prohibition of Driving TRO will be required at the junction of the St Joseph's Street gyratory and the access to the Bus Station to restrict access to buses only.
 7. Introduce a No Waiting At Any Time TRO on the diverted section of Trindle Road.
 8. Revoke existing TRO on Hall Street between King Street and Dudley Row.
 9. Introduce a No Waiting or Loading At Any Time TRO on Hall Street between King Street and Dudley Row; with the exception of the loading bay outside No. 30 to 33 Hall Street.
 10. Loading Bay TRO for proposed loading bay outside No. 30 to 33 Hall Street.
 11. Introduce a TRO to restrict access from Hall Street to Birmingham Street to buses only.
 12. Revoke existing TRO's on Trindle Road, Porter Street and Portersfield.
 13. Introduce a Prohibition of Driving TRO will be required across the public square, to restrict its use to pedestrians.
- The development shall not be occupied until all such measures have been substantially completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

71. No demolition or construction shall take place on any part of the site until a Construction Method Statement incorporating a Construction Environmental

Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. traffic management scheme for delivering the scheme and its associated highway improvements
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. construction hours
- vi. noise control devices (silencers, SMART reversing alarms etc)
- vii. delivery routeing
- viii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- ix. wheel washing facilities
- x. measures to control the emission of dust and dirt during construction
- xi. measures to control the impact of vibration on surrounding buildings
- xii. a scheme for the recycling/disposing of waste resulting from construction works.

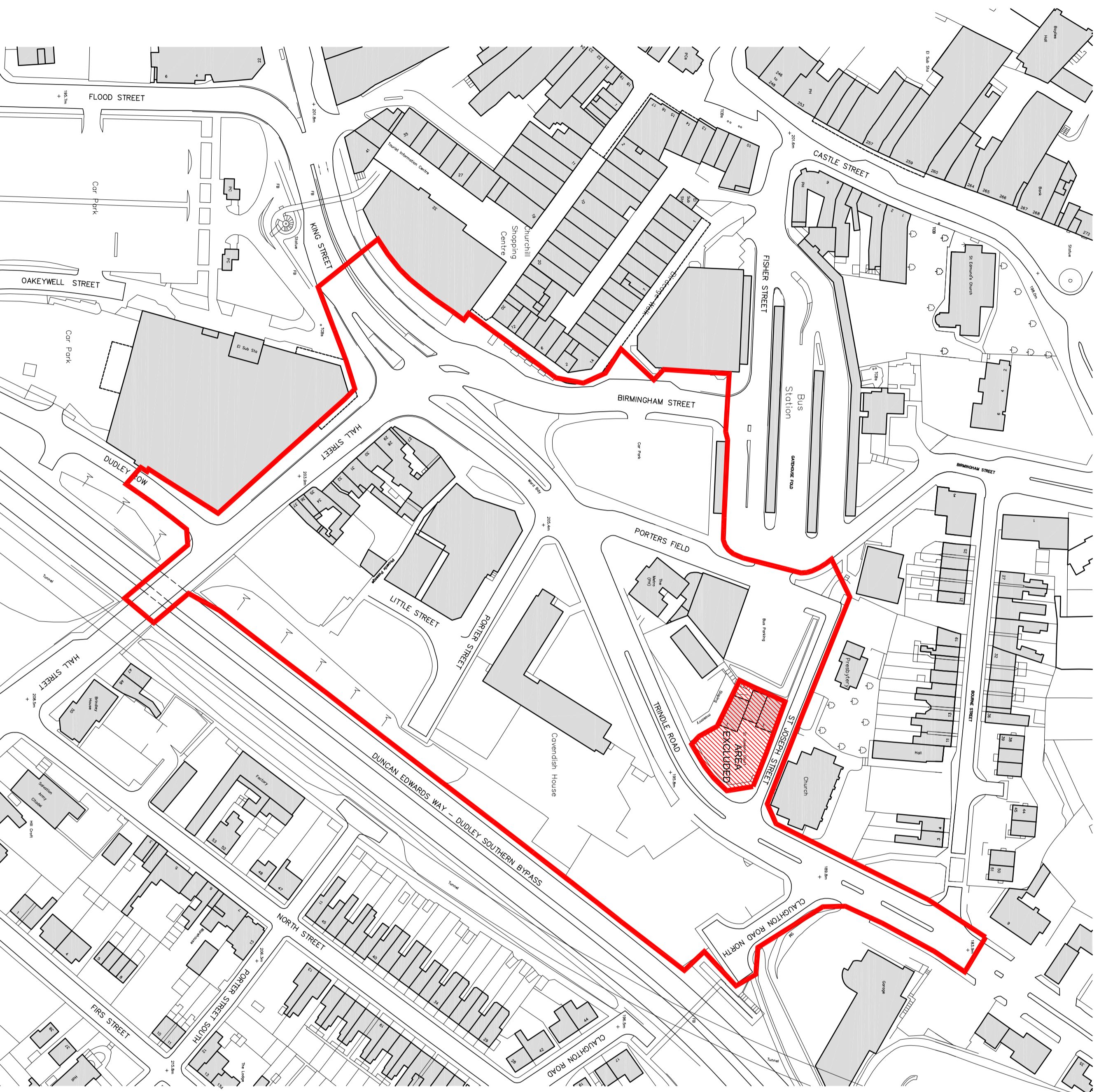
72. Information on public transport services, in the form of an electronic 'Real Time Information Display' shall be provided to the satisfaction of the Local Planning Authority prior to the opening of the development
73. No development shall commence until a species survey and assessment is carried out within the twelve months prior to the commencement of development and shall be submitted to and approved in writing by the local planning authority, and the development shall proceed in accordance with the approved details and methods.
74. Detailed working protocols, based on good practice such the Pollution Prevention Guidelines PPG1 (general) by the Environment Agency, should be prepared and adhered to during all works. These should ensure no negative impacts could occur, such as contamination, light pollution or disturbance affects the adjacent wildlife site and/or protected species. The location of the temporary compound should be identified on the plan for plant and material storage during construction. These protocols must be submitted and approved in writing by the Council before any works commence. All works must be carried out in accordance to the approved protocols.
75. A detailed Ecological Delivery Plan (including establishment and ongoing maintenance programme), taking into account appropriate compensation, mitigation and enhancements for nature conservation should be submitted and approved by the Local Planning Authority prior to the commencement of development. The Plan should encompass the recommendations of the Environmental Statement including:
 - Wider landscaping using native/wildlife attracting species
 - Use of landscaping techniques and other recommendations to provide compensatory habitats
 - Artificial bat roost provision including in the improvements to the tunnel
 - Development and implementation of a Habitats Management Plan
 - Sensitive outside lighting to avoid impacts on bat roosting, foraging and commuting
 - Delivering native wildflower grassland and native tree planting in public open

spaces

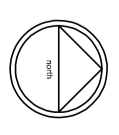
- Methodology for the protection of nesting birds.
- Methodology for the avoidance of demolition/construction dust harming vegetation.
- Methodology for the avoidance of water pollution. The volume and quality of these should relate to the requirements of the Planning Obligations SPD.

All works must be carried out in accordance to the approved plans and programmes and shall be retained as such thereafter.


76. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the local planning authority must be contacted immediately. Works should not re-commence until relevant licences have been obtained and written permission is granted by Natural England and the Council.
77. The demolition of the buildings and the clearance of trees and other vegetation should avoid the bird nesting season (February – August inclusive) unless a breeding bird assessment (with recommendations) is carried out by a trained ecologist within 7 days of the works commencing. This should be submitted in writing and approved by the Council before works begin. All works must be carried out in accordance to the approved assessment's recommendations.
78. Prior to the commencement of development, an intrusive mining investigation shall be undertaken in order to establish the exact situation regarding the coal mining legacy issues across the site. If these site investigation works confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, then details of these remedial works identified by the site investigation shall be submitted to, and agreed in writing by the local planning authority prior to commencement of the development. The agreed remedial works shall then be undertaken prior to the commencement of development.



Notes:
 Drawing based on Ordnance Survey data and is subject to a full topographical check survey.
 Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 Work to figured dimensions only. Do not scale.
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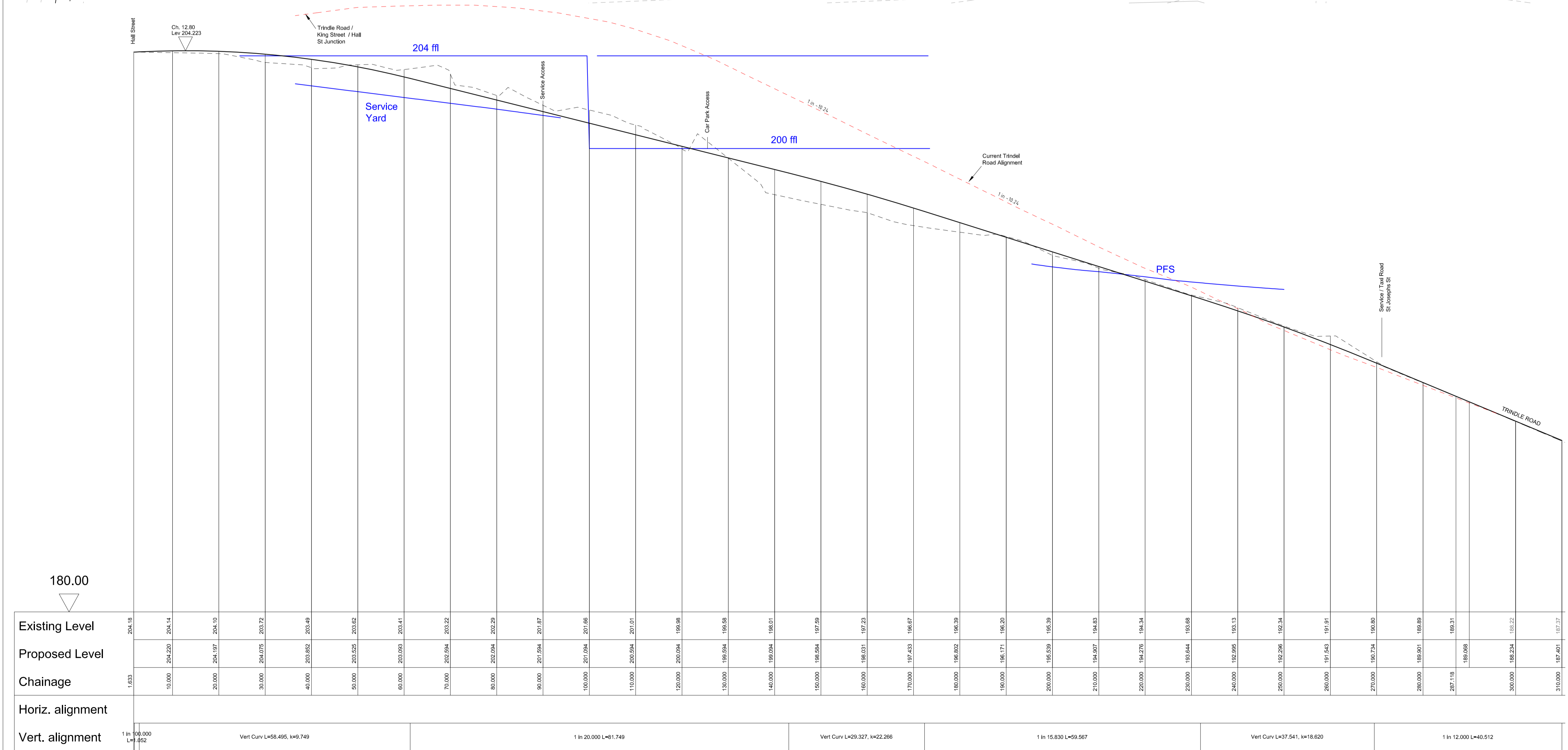
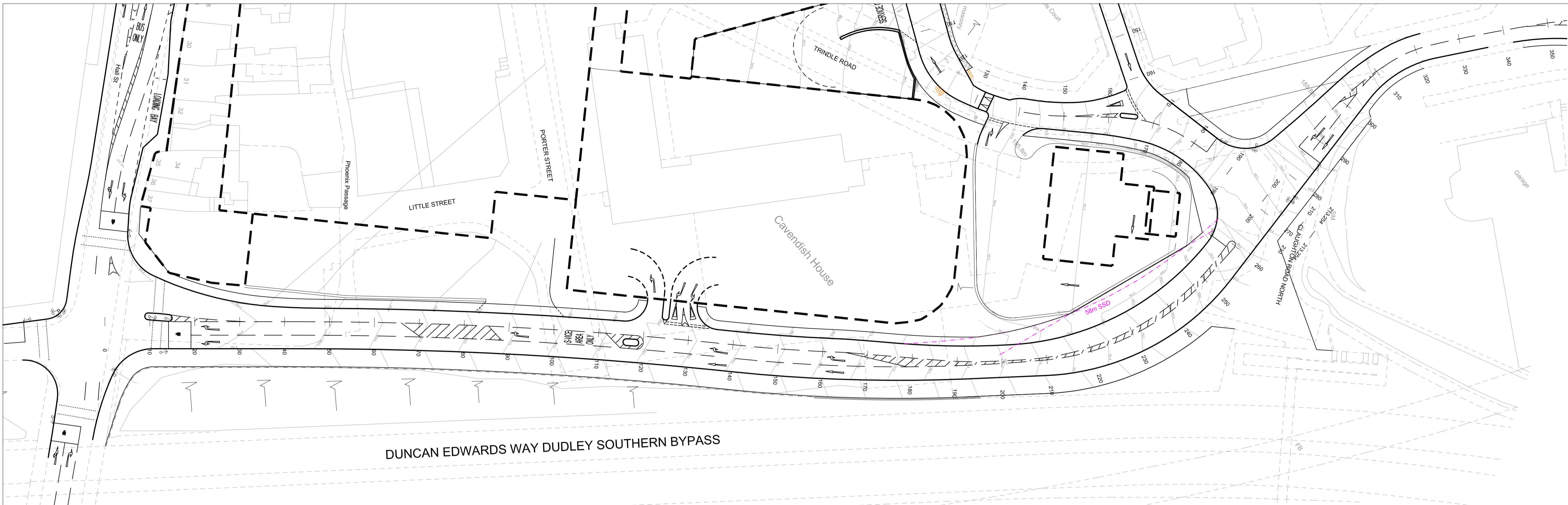
Legend:

 Indicate boundary for the purpose of the Planning Application
 4.27ha / 10.55acres



Rev.	Date	Description	Drawn	Checked

		Client: Avenbury (Dudley Ltd)
Project: Porters Field Dudley Town Centre		Title: Site Location Plan
Drawn: JB Date: 07/2012 Status: PLANNING	Checked: STD Scale: 1:1250@A2	Rev. No.: 10167 / PA01 Rev.: A



Long Section - New Access Road (M054)
 Horiz. 1:500 Vert. 1:100

Rev A : 11.02.13
 Existing Trindle Road profile added to long section

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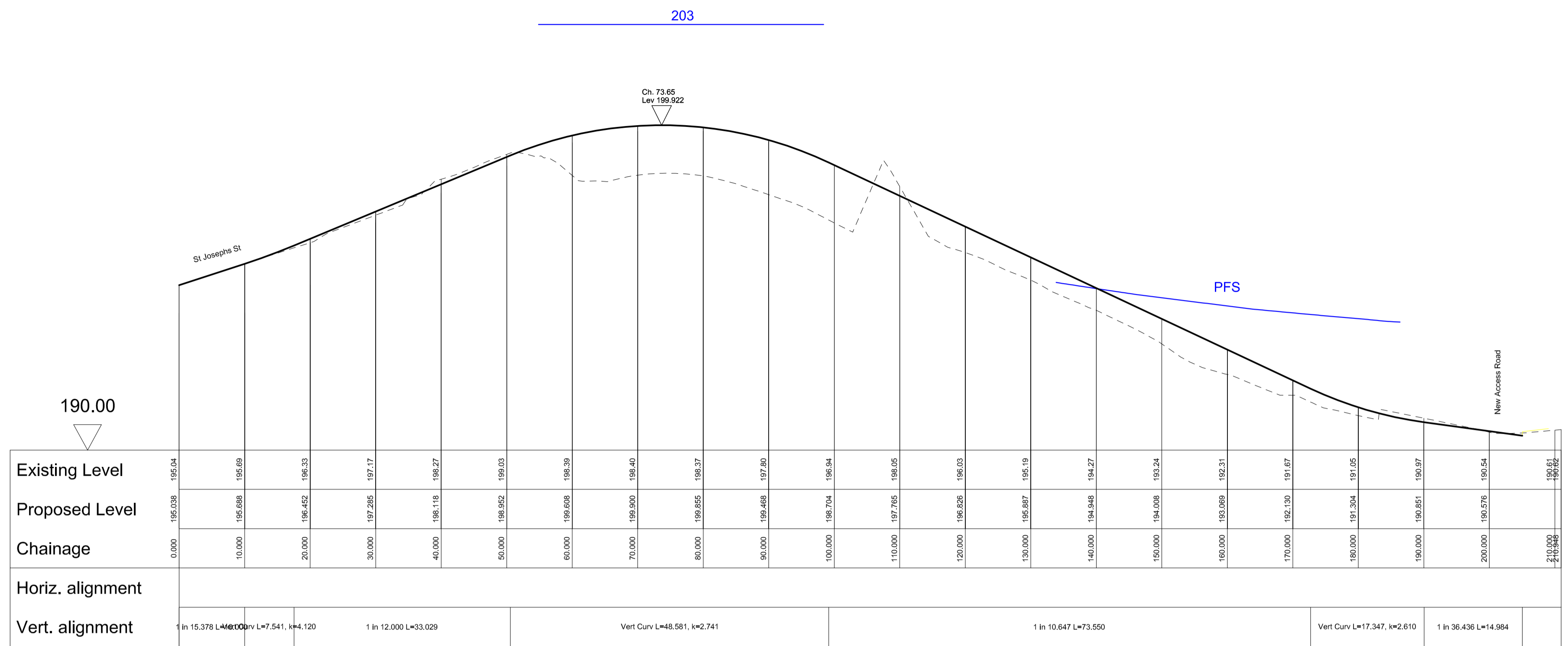
Client
Avenbury

Project
Porters Field

Drawing
**New Trindle Road Design
 (horizontal alignment with
 contours and vertical alignment)**

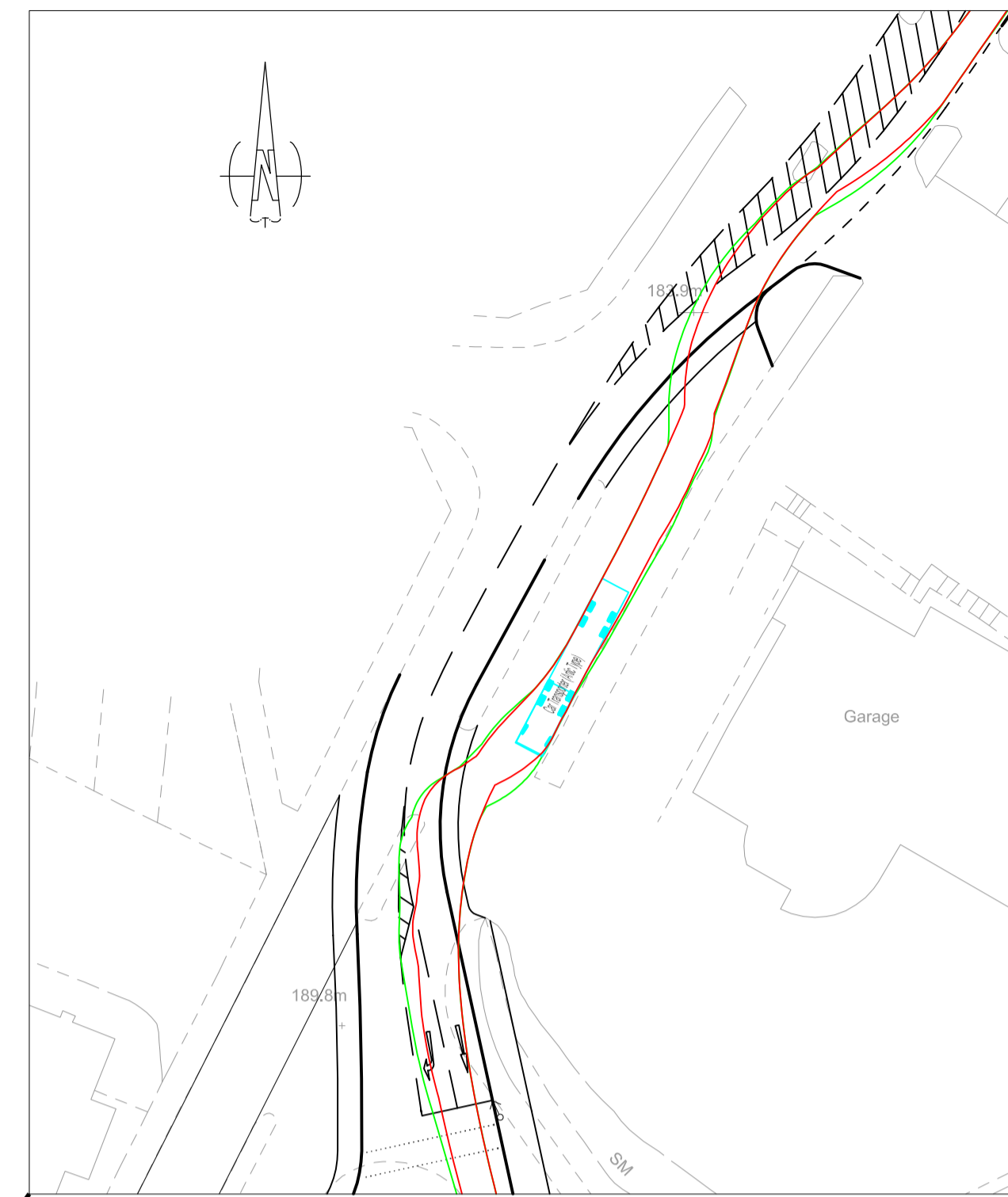
Drawn by **JL** Date: **Jan 13** Scale: **1:500 @ A1**

Drawing No. **977-111** Revision **A**





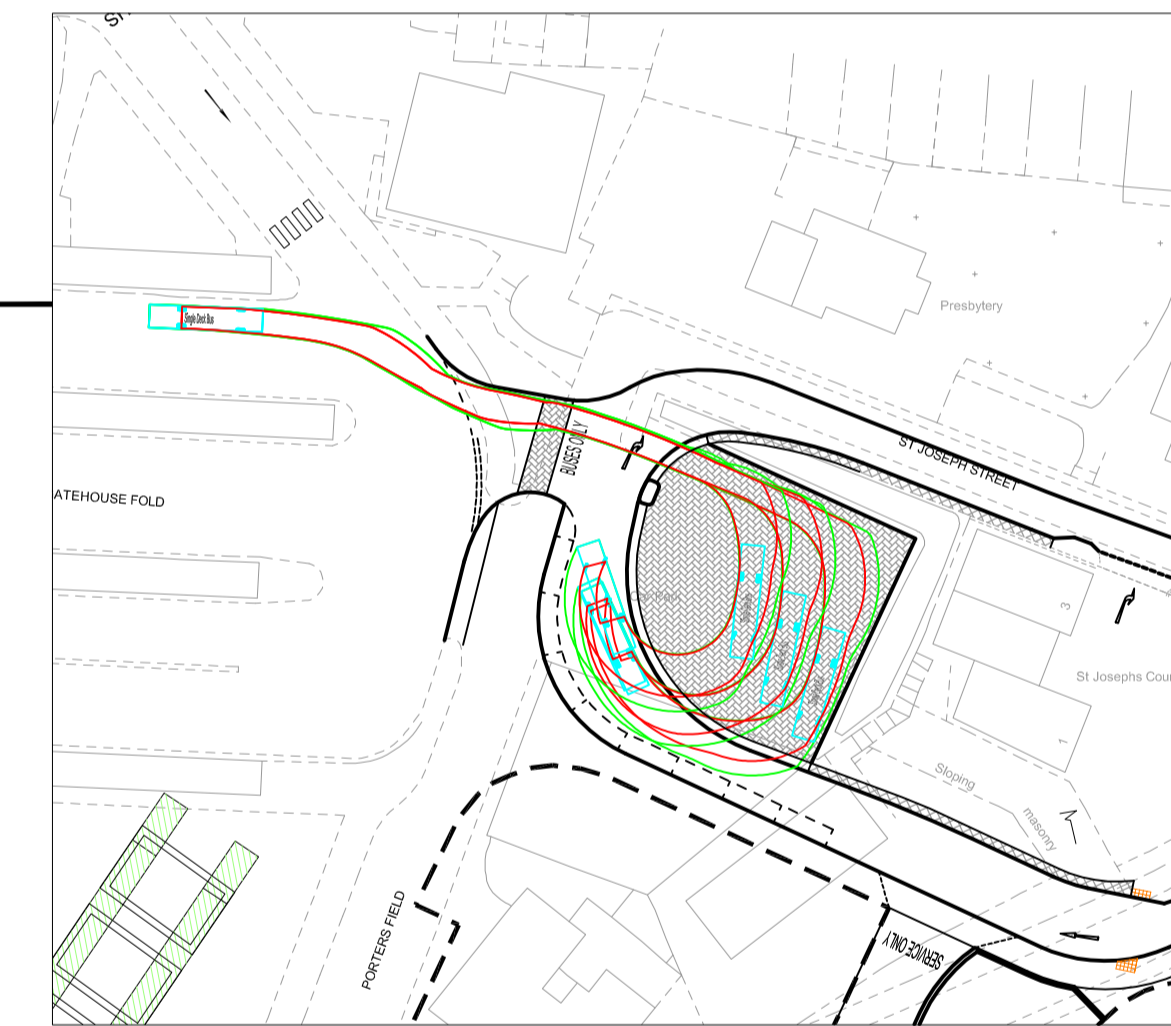
North Service Yard Access
Scale 1:500



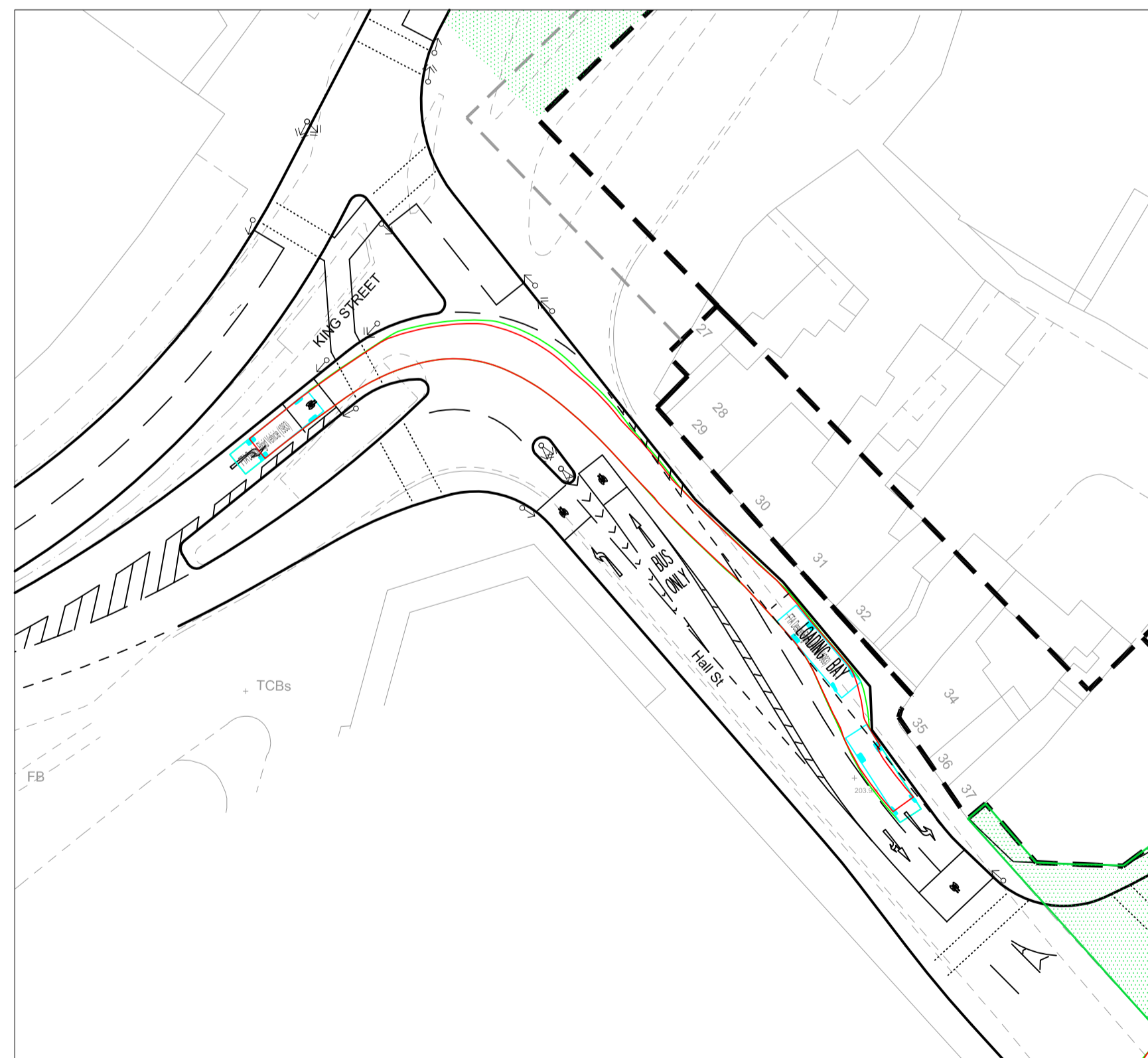
Dudley Motor Company Service Access
Scale 1:500



Location Plan
Scale 1:2500



Bus Layover Access & Egress
Scale 1:500



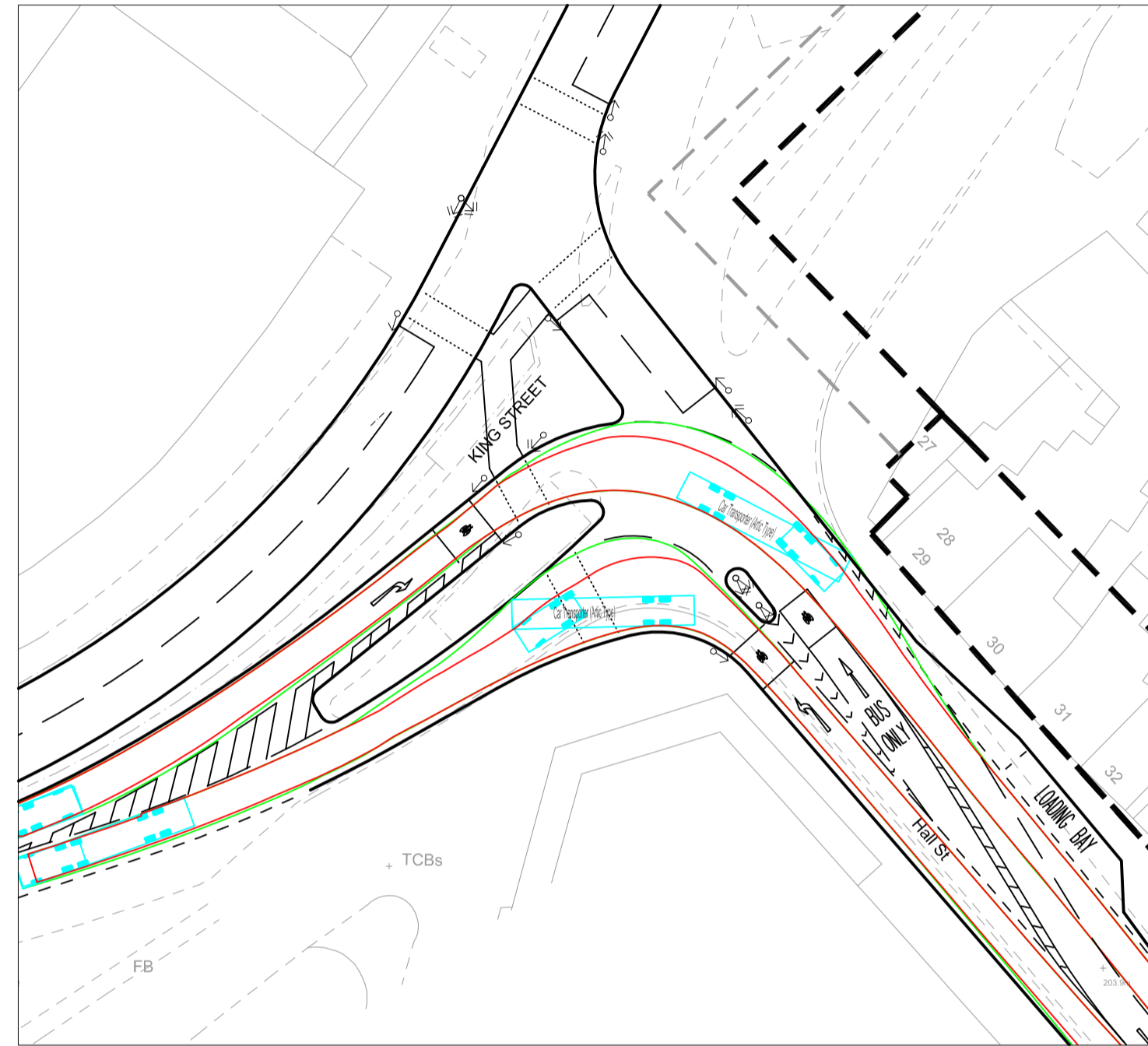
Footway Loading Bay
Scale 1:500



South Service Yard Access
Scale 1:500



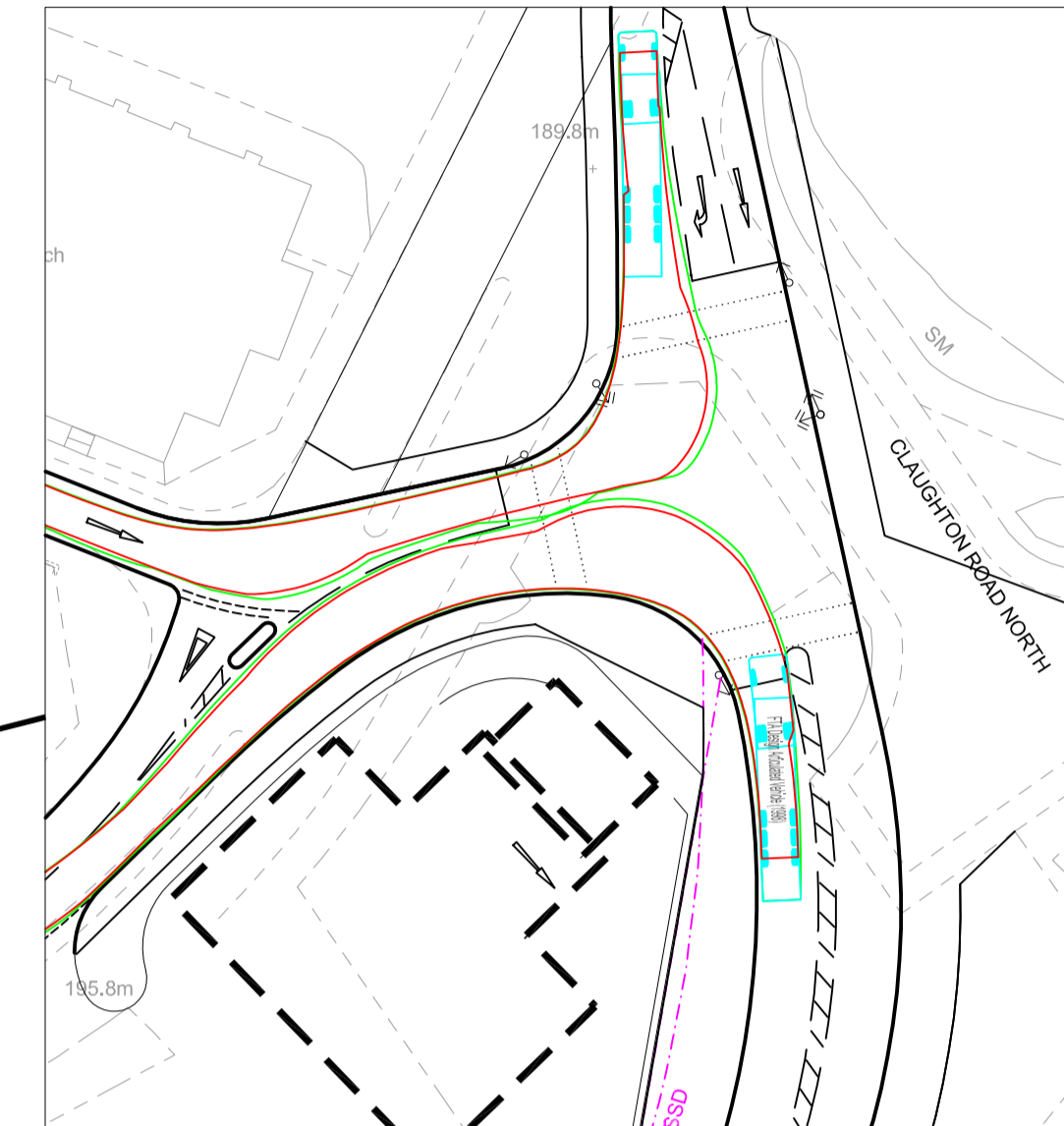
Petrol Filling Station
Scale 1:500



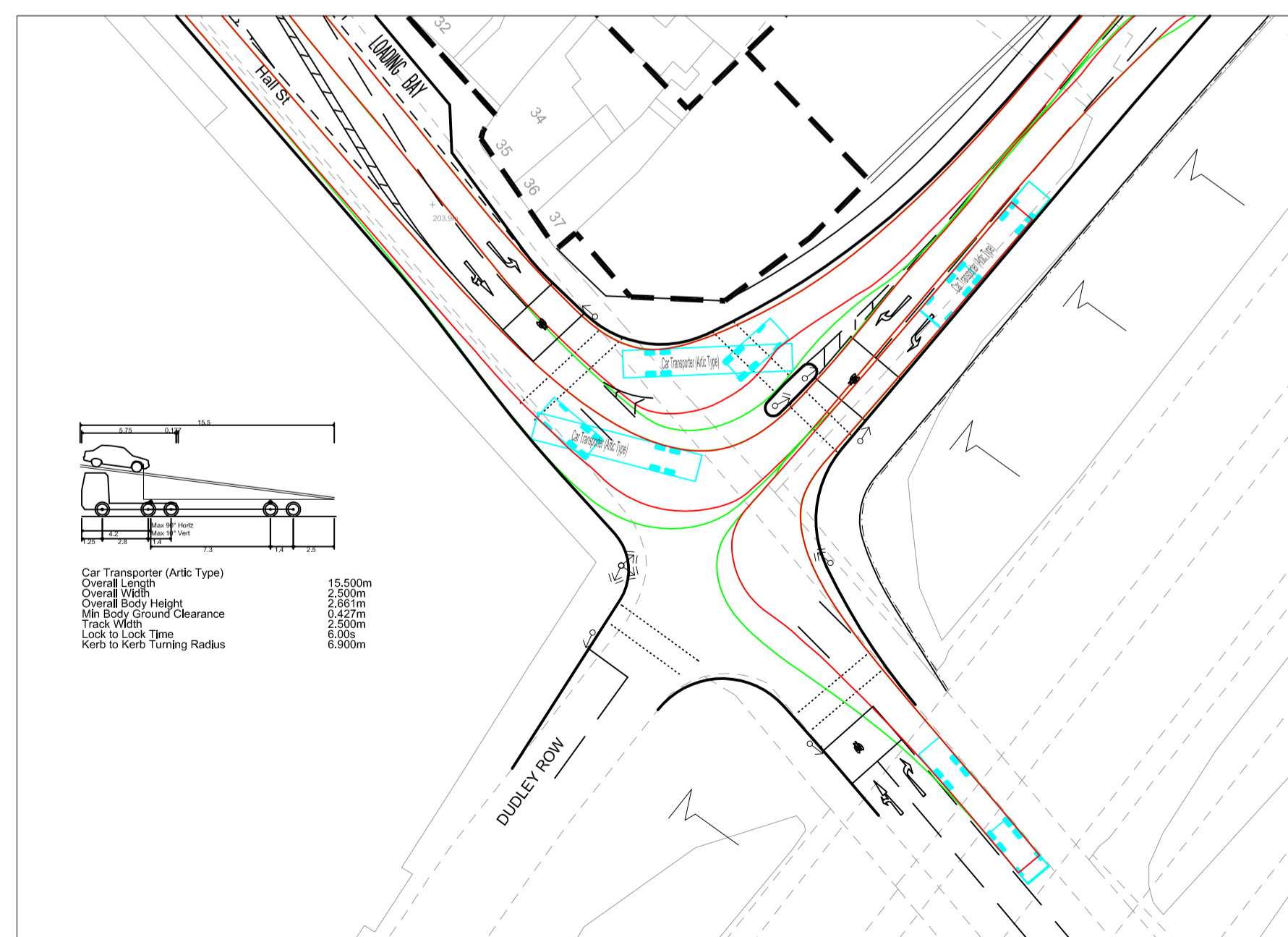
King Street / Hall Street Junction
Scale 1:500



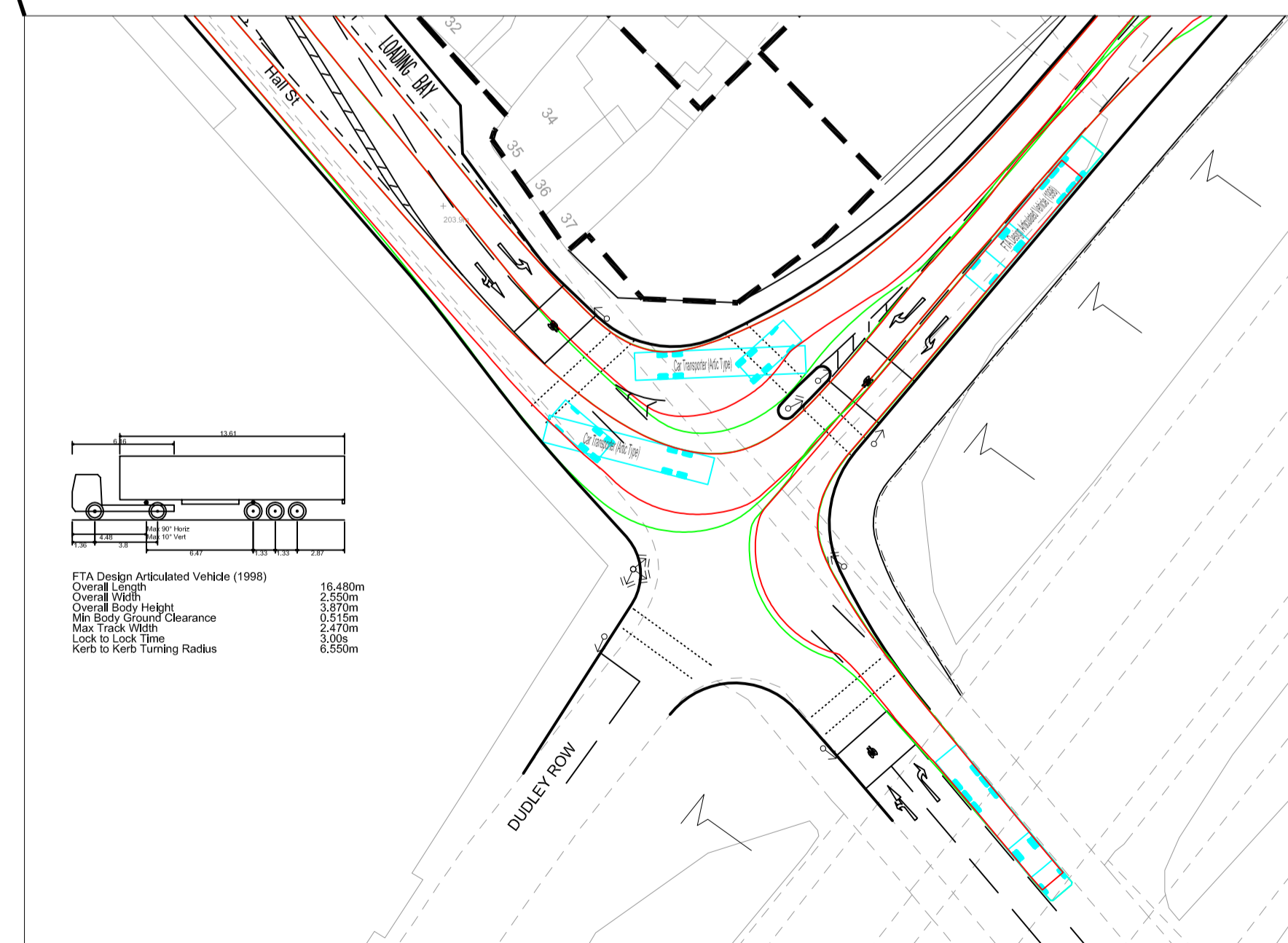
Location Plan
Scale 1:2500



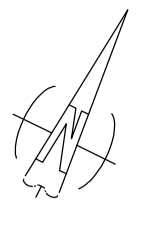
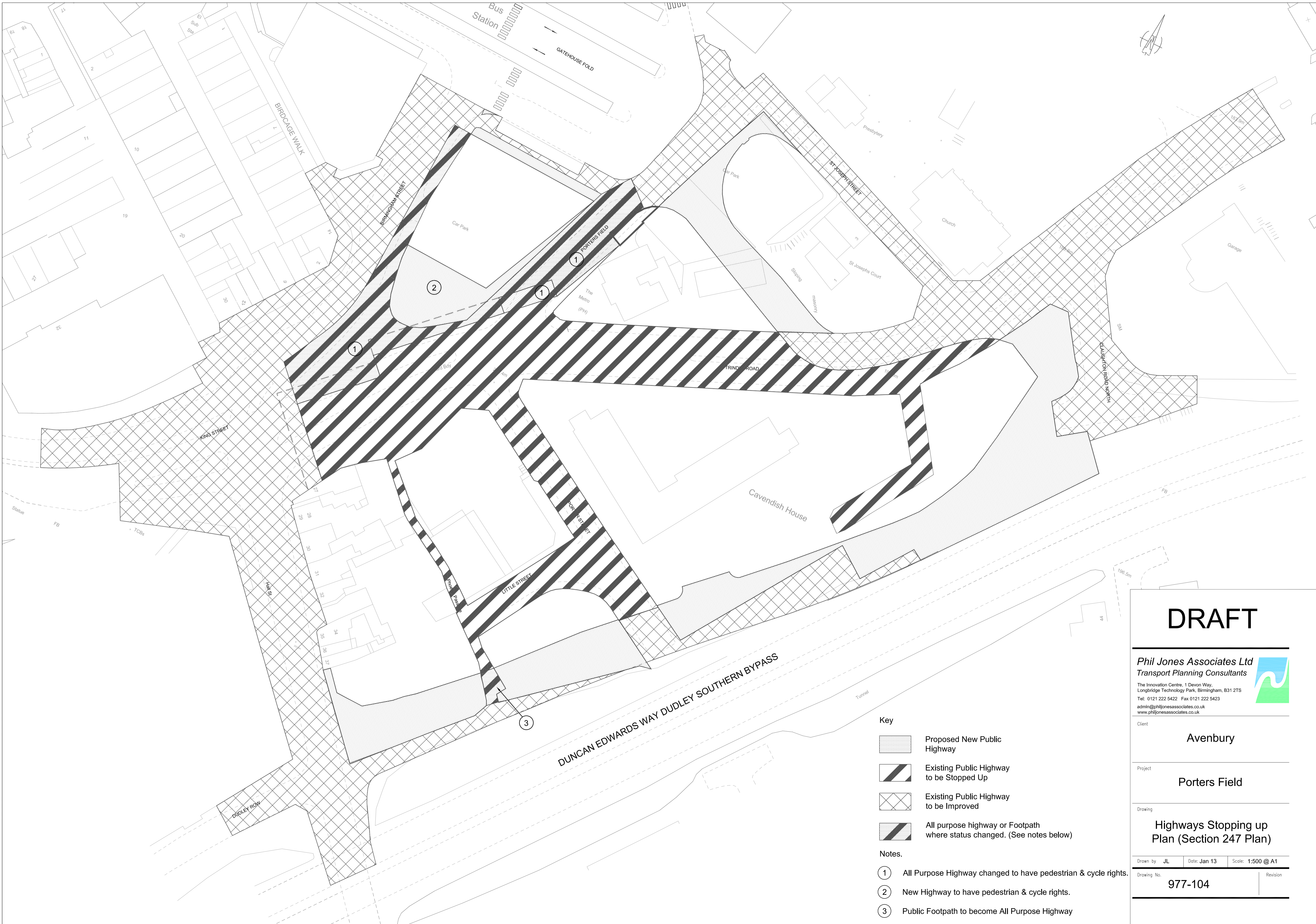
**Trindle Road / New Access Road /
Loop Road Junction**
Scale 1:500



King Street / New Access Road Junction
Scale 1:500

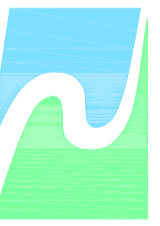


King Street / New Access Road Junction
Scale 1:500



DRAFT

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 Transport Planning Consultants
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 Longbridge Technology Park, Birmingham, B31 2TS
 Tel: 0121 222 5422 Fax 0121 222 5423
 admin@philjonesassociates.co.uk
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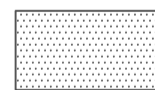

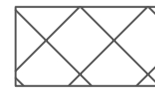



Client
Avenbury

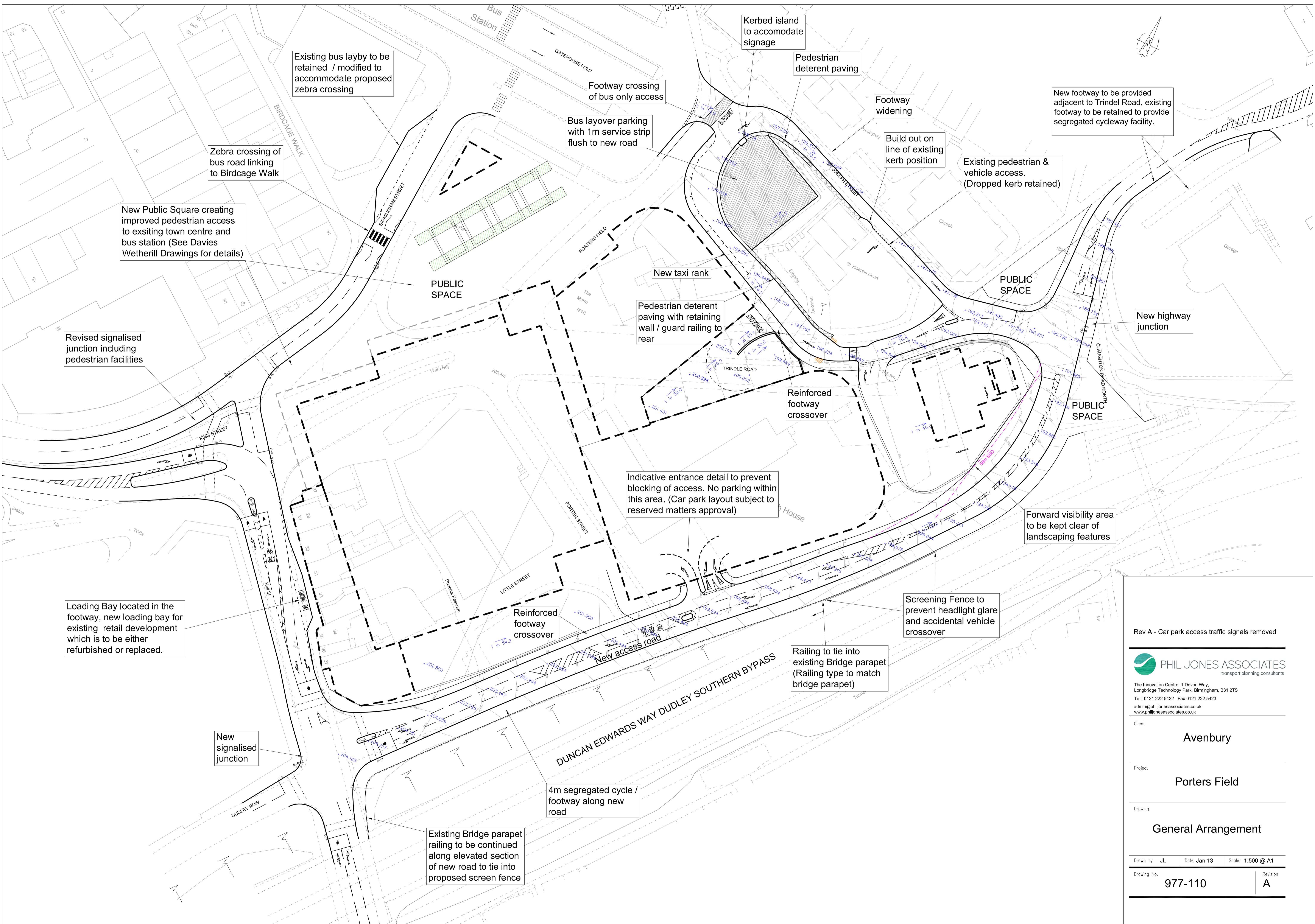
Project
Porters Field

Drawing
**Highways Stopping up
 Plan (Section 247 Plan)**

Drawn by JL	Date: Jan 13	Scale: 1:500 @ A1
Drawing No. 977-104	Revision	

- Key**
-  Proposed New Public Highway
 -  Existing Public Highway to be Stopped Up
 -  Existing Public Highway to be Improved
 -  All purpose highway or Footpath where status changed. (See notes below)

- Notes.**
- ① All Purpose Highway changed to have pedestrian & cycle rights.
 - ② New Highway to have pedestrian & cycle rights.
 - ③ Public Footpath to become All Purpose Highway



Existing bus layby to be retained / modified to accommodate proposed zebra crossing

Zebra crossing of bus road linking to Birdcage Walk

New Public Square creating improved pedestrian access to existing town centre and bus station (See Davies Wetherill Drawings for details)

Revised signalised junction including pedestrian facilities

Loading Bay located in the footway, new loading bay for existing retail development which is to be either refurbished or replaced.

New signalised junction

Existing Bridge parapet railing to be continued along elevated section of new road to tie into proposed screen fence

4m segregated cycle / footway along new road

Bus layover parking with 1m service strip flush to new road

Footway crossing of bus only access

New taxi rank

Pedestrian deterrent paving with retaining wall / guard railing to rear

Indicative entrance detail to prevent blocking of access. No parking within this area. (Car park layout subject to reserved matters approval)

Reinforced footway crossover

Railing to tie into existing Bridge parapet (Railing type to match bridge parapet)

Kerbed island to accommodate signage

Pedestrian deterrent paving

Footway widening

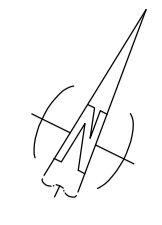
Build out on line of existing kerb position

Existing pedestrian & vehicle access. (Dropped kerb retained)

Forward visibility area to be kept clear of landscaping features

Screening Fence to prevent headlight glare and accidental vehicle crossover

New footway to be provided adjacent to Trindell Road, existing footway to be retained to provide segregated cycleway facility.



Rev A - Car park access traffic signals removed



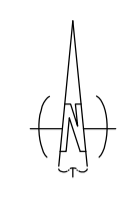
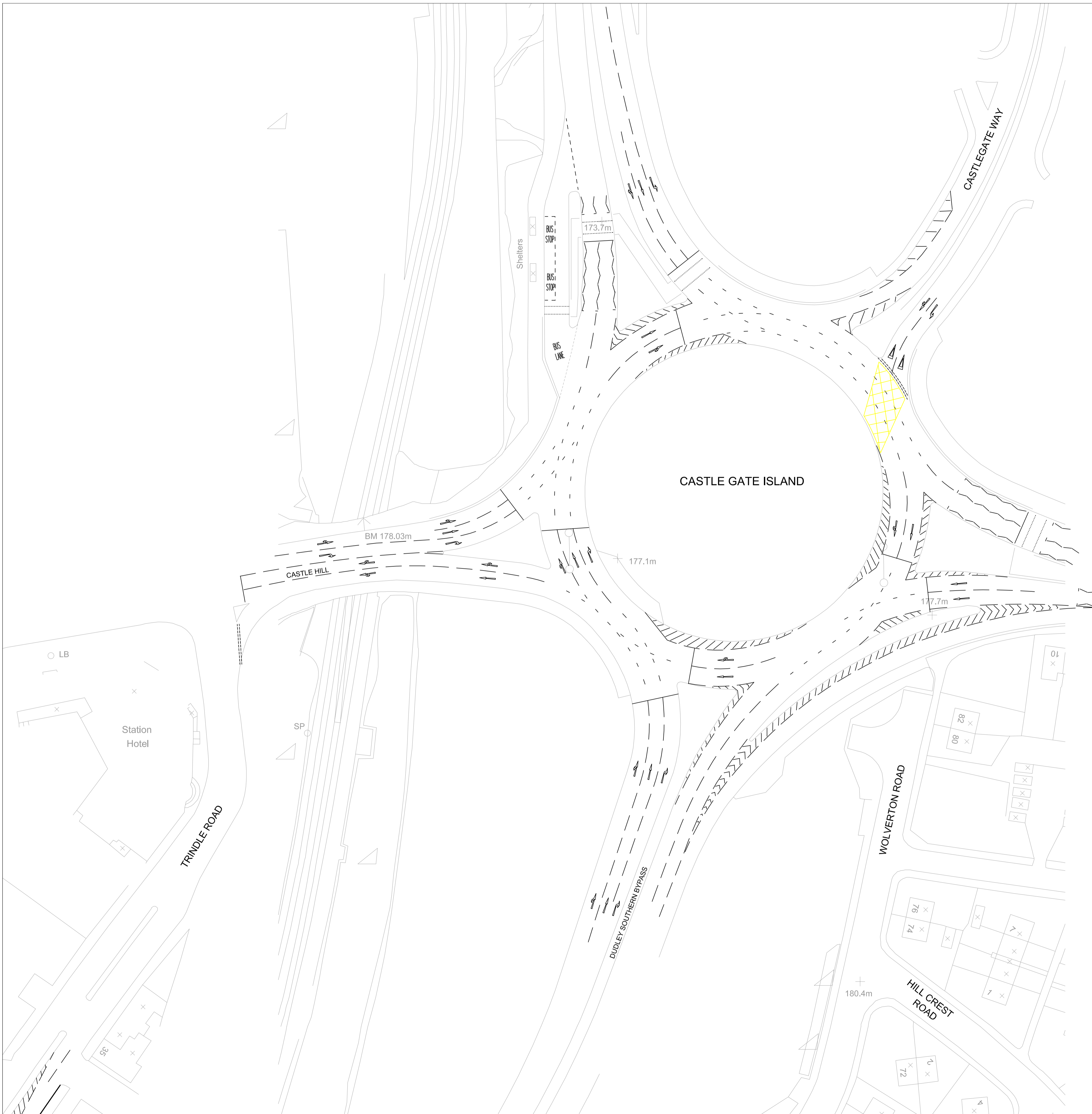
The Innovation Centre, 1 Devon Way,
Longbridge Technology Park, Birmingham, B31 2TS
Tel: 0121 222 5422 Fax 0121 222 5423
admin@philjonesassociates.co.uk
www.philjonesassociates.co.uk

Client
Avenbury

Project
Porters Field

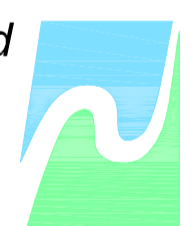
Drawing
General Arrangement

Drawn by JL Date: Jan 13 Scale: 1:500 @ A1
Drawing No. **977-110** Revision **A**



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 Transport Planning Consultants

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Client	Avenbury	
Project	Porters Field	
Drawing	Castle Gate Roundabout. Revised Road Marking Scheme	
Drawn by	JL	Date: Jan 13 Scale: 1:500 @ A1
Drawing No.	977-115	Revision



project name DW002 - Porters Field Dudley
image details Image 01 - View from west
Draft 03
image code DW002_IM02_D03
date 29/01/2013



Illustrative Only – Subject to Reserved Matters Submissions

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f. 01865 559006
3A South Parade
Oxford OX2 7JL
www.blinkimage.com





project name DW002 - Porters Field Dudley
image details Image 01 - Elevated overview
Draft 03
image code DW002_IM01_D03
date 29/01/2013



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project name DW002 - Porters Field Dudley
 image details Image 01 - Elevated overview
 Draft 03
 image code DW002_IM01_D03
 date 29/01/2013



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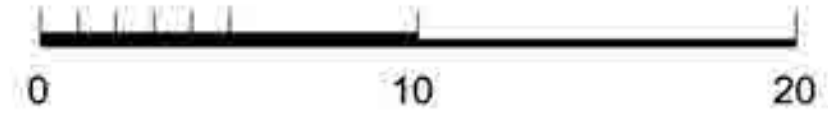
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image details Image 01 - View from west
Draft 03
image code DW002_IM02_D03
date 29/01/2013



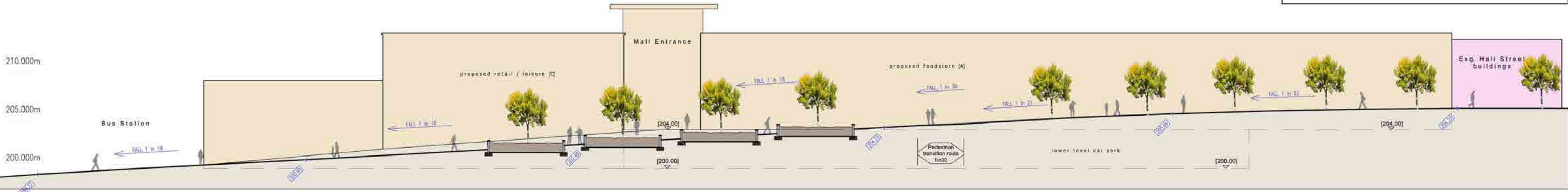
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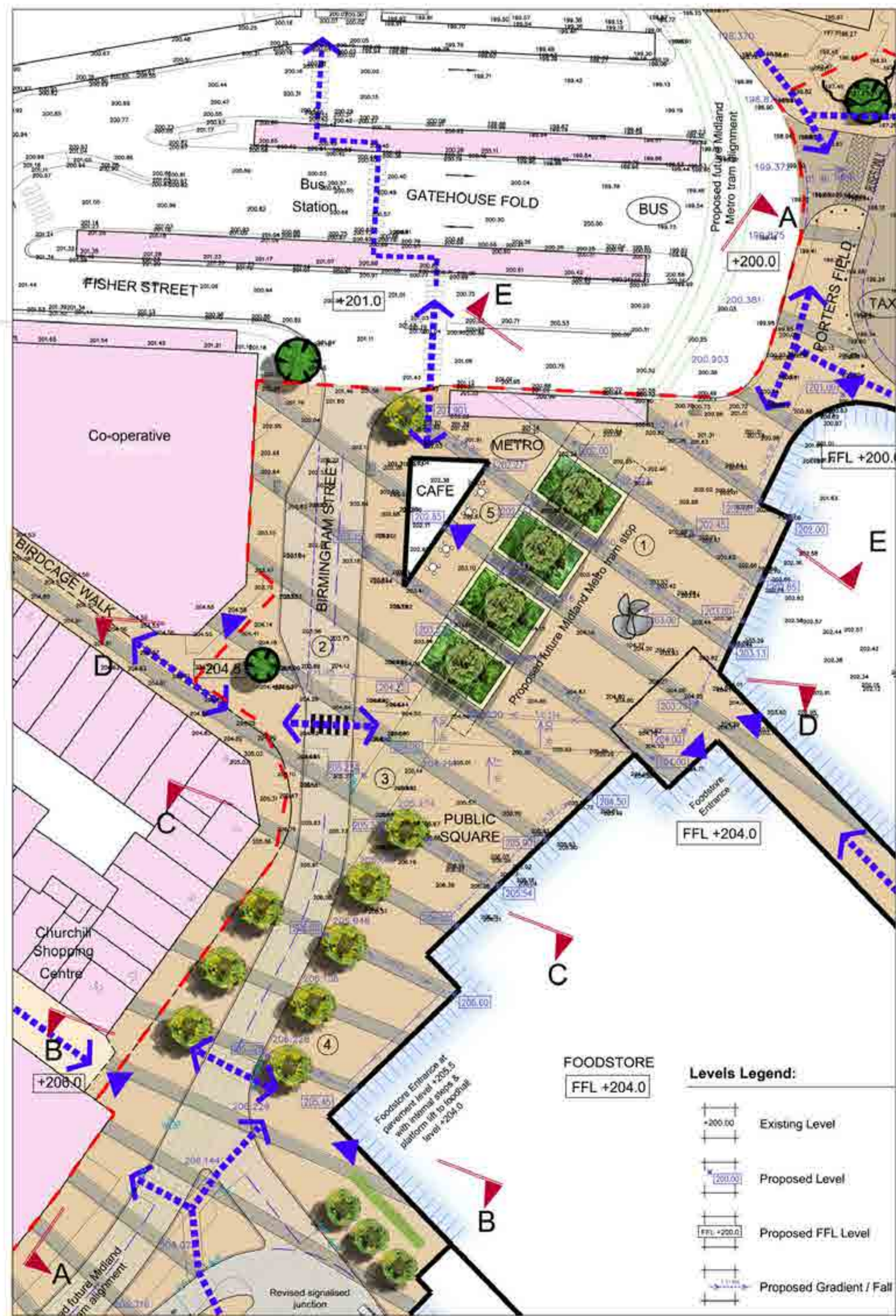




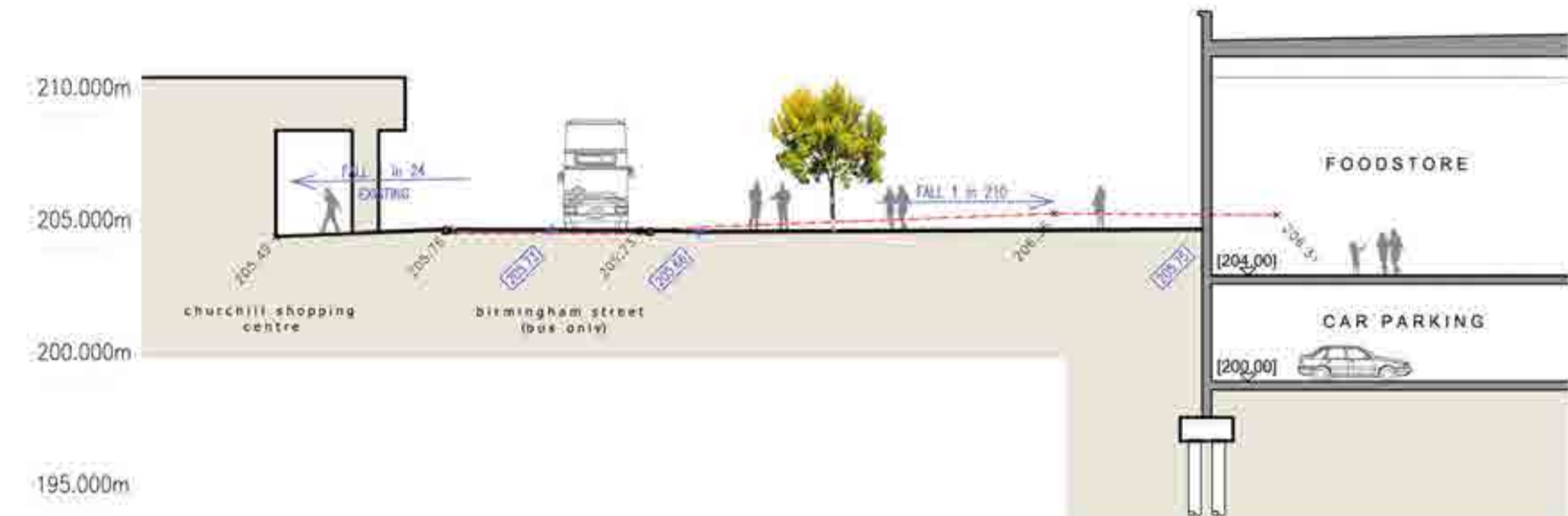
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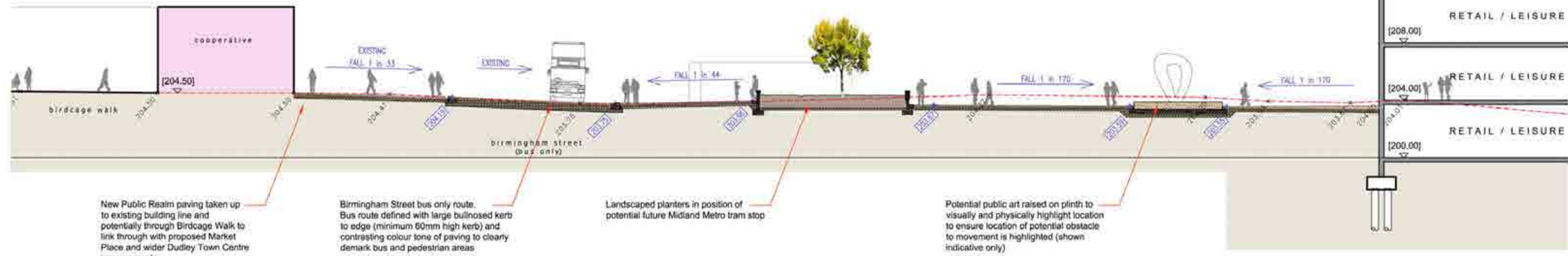
Section A-A Public Square (following proposed Metro alignment)



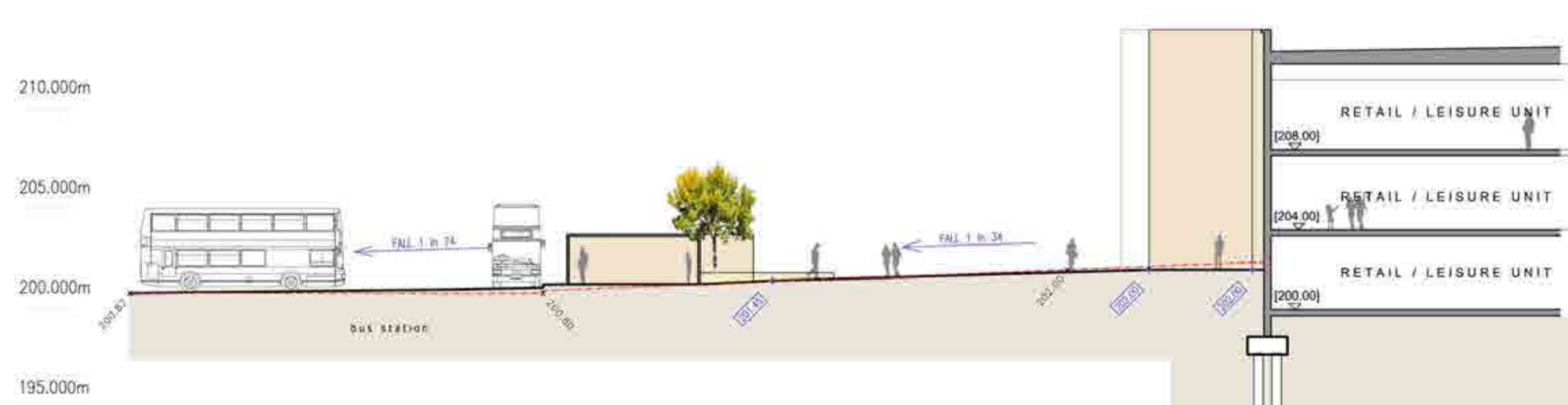
Section B-B (Through new Public Square from The Churchill Shopping Centre to Proposed Development)



Section C-C (Through new Public Square from The Churchill Shopping Centre to Proposed Foodstore)



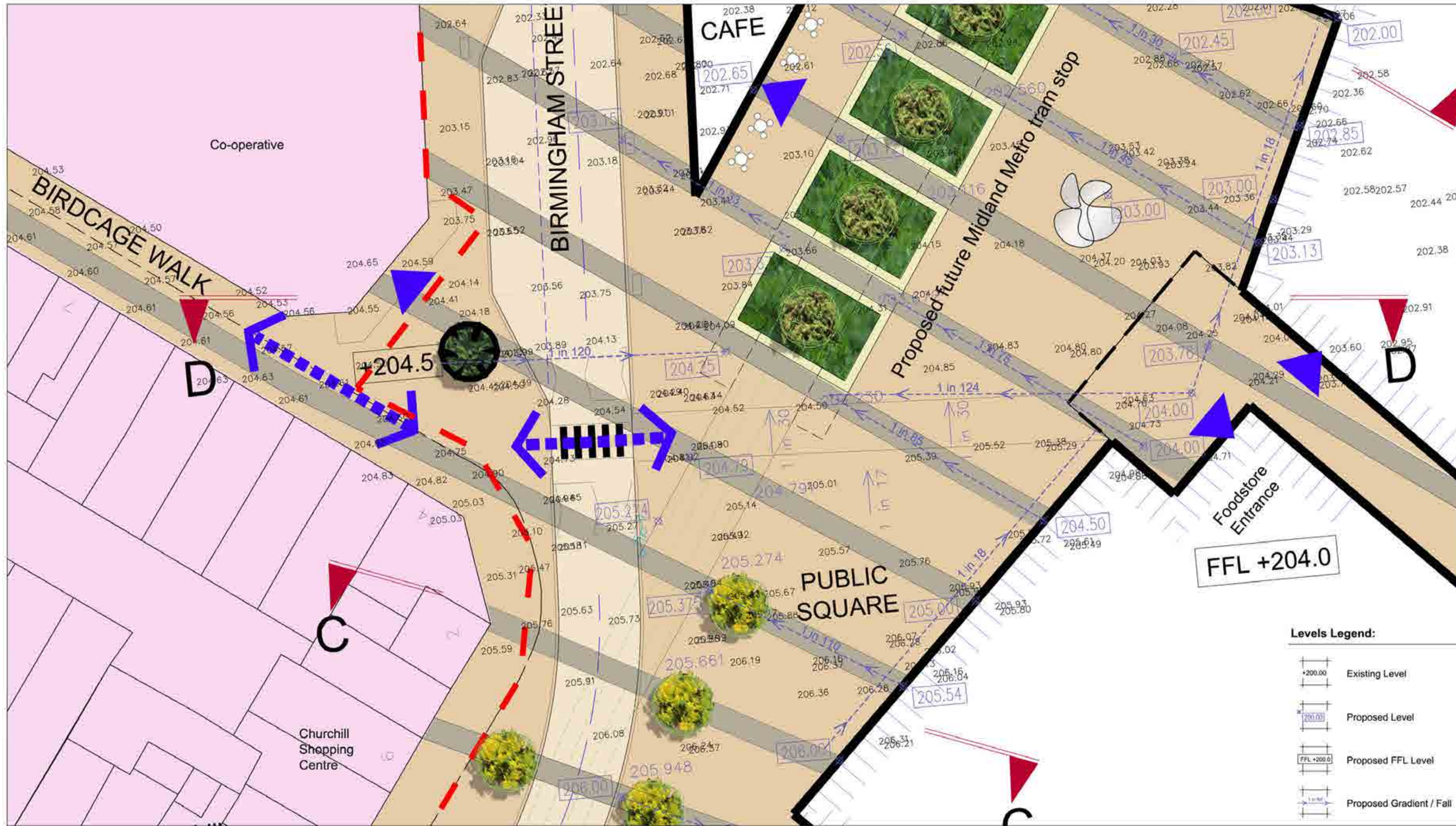
Section D-D (Through new Public Square from Birdcage Walk to Proposed Development)



Section E-E (Through new Public Square from Dudley Bus Station to Proposed Development)

Rev.	Date	Description	Drawn	Checked
04.03.12		Proposals revised following discussions with DMBC	JB	SRD

	Client:	Avenbury (Dudley) Ltd	
	Project:	Porters Field Dudley Town Centre	
	Title:	Illustrative Public Square Sections	
Harborne Court 67-69 Harborne Rd Edgbaston Birmingham B15 2SD T: 0121 455 9234 F: 0121 456 2232 E: info@davisweatherill.co.uk	The Arch Barn Unit 7B, Estate Yard Harwood Leeds LS17 8LF T: 0113 288 6106 F: 0113 288 6787 E: info@davisweatherill.co.uk	Contact Birmingham Office <input checked="" type="checkbox"/>	Contact Leeds Office <input type="checkbox"/>
www.davisweatherill.co.uk			
Drawn: JB	Checked: SRD	Dwg No: 10167 / PA09	Rev: A
Date: 01.2013	Scale: 1:200@A1 1:500@A1		
Status: PLANNING			



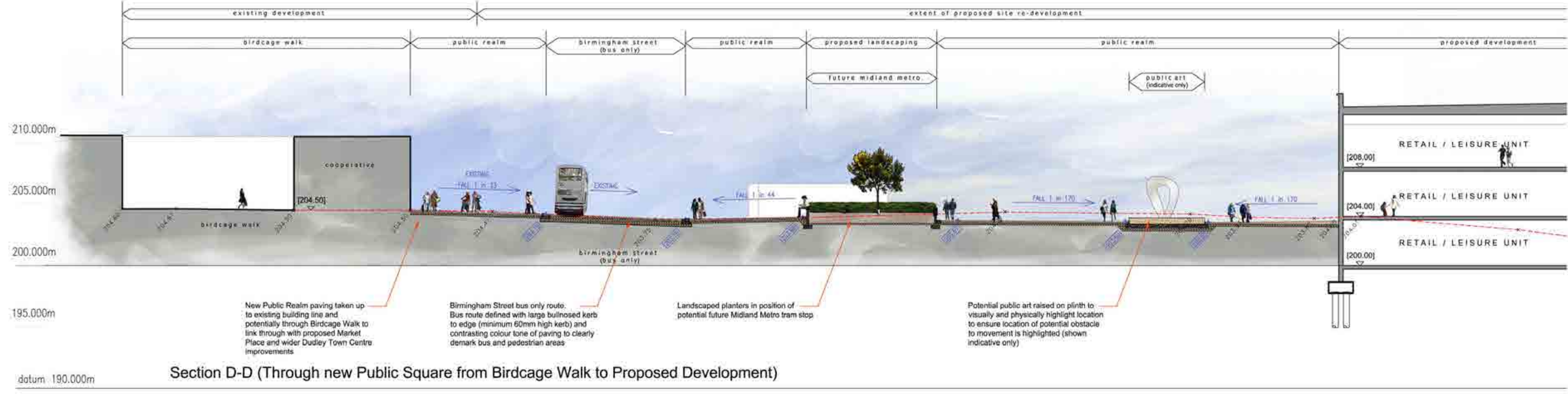
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View of Public Square from north



View of Public Square from south

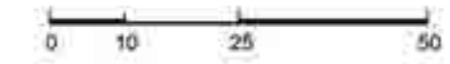


A 04.03.12 Proposals revised following discussions with DMBC		JB	SRD	
Rev.	Date	Description	Drawn	Checked
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Harborne Court 87-89 Harborne Rd Edgbaston Birmingham B15 2SU T: 0121 455 9294 F: 0121 456 2232 E: info@dw.co.uk davisweatherill.co.uk		Project: Porters Field Dudley Town Centre		
The Arch Barn Unit 7B, Estate Yard Harwood Leeds LS17 8LF T: 0113 288 6106 F: 0113 286 6787 E: info@dw.co.uk davisweatherill.co.uk		Title: Illustrative Public Square Detailed Section D-D		
Contact Birmingham Office <input checked="" type="checkbox"/>		Contact Leeds Office <input type="checkbox"/>		
www.davisweatherill.co.uk				
Drawn	JB	Checked	SRD	
Date	01/2013	Scale	1:200@A1	
Status	PLANNING	Org. No.	10167 / PA10	Rev. A



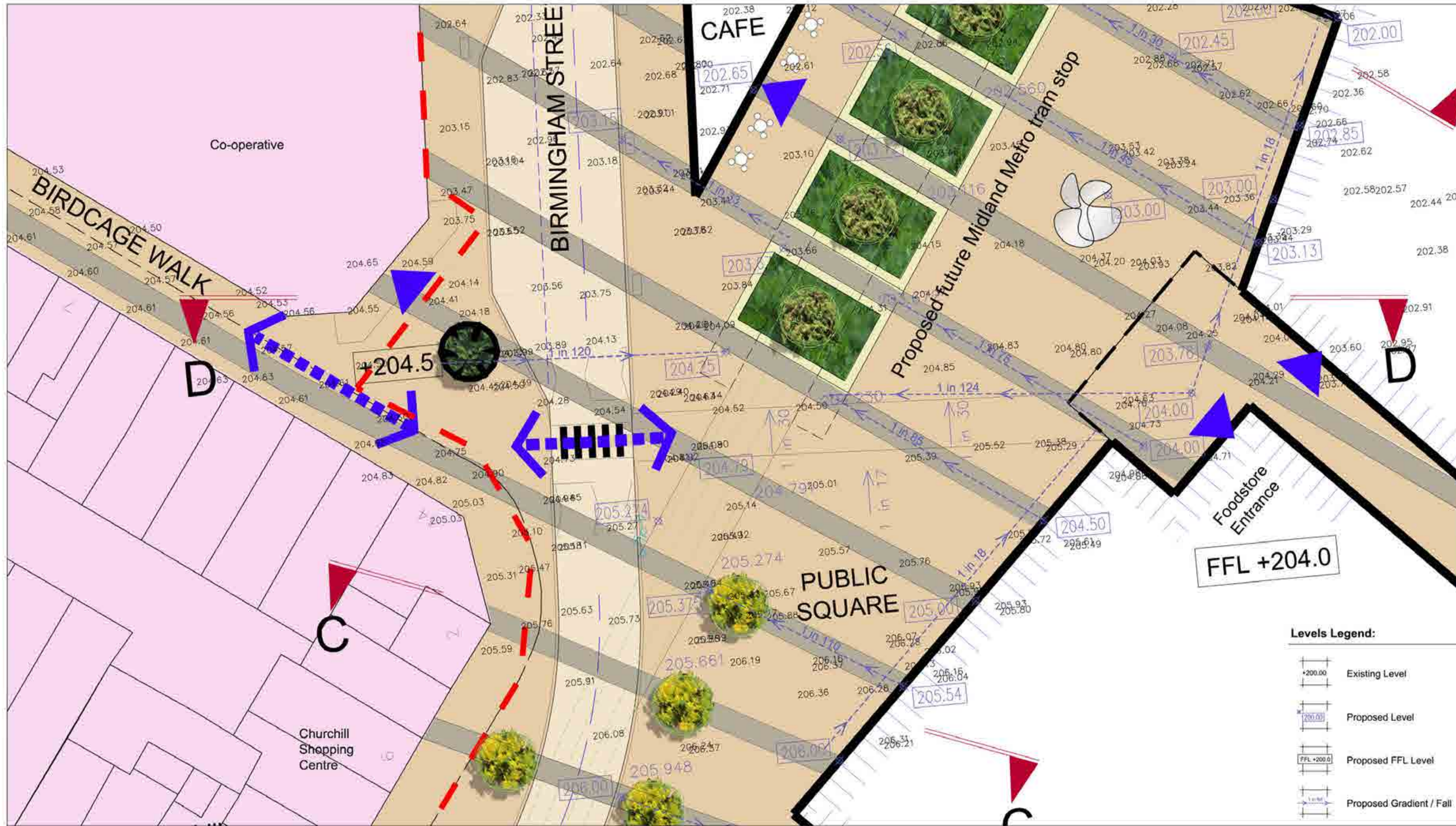
Notes:
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- Legend:**
- Indicates boundary for the purpose of the Planning Application
 - Proposed Pedestrian Entrance
 - Proposed Pedestrian Linkages
 - Potential Midland Metro alignment shown initiative only
 - Foodstore use
 - Non-food Retail / Leisure use
 - Enclosed circulation covers / routes
 - Potential new Public Realm space - refer to drawing 10167 / PA 03 for further detail



Under store 'Lower' car parking plan [+200.0]

Rev.	Date	Description	Drawn	Checked
<p>DAVIS WEATHERILL PARTNERSHIP <small>MARKYARD ARCHITECTS</small></p> <p>Client: Avenbury (Dudley) Ltd</p> <p>Project: Porters Field Dudley Town Centre</p> <p>Title: Illustrative Scheme Masterplan Proposal</p>				
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Date: 02.2012	Scale: 1:1000@A3			
Status: PLANNING				



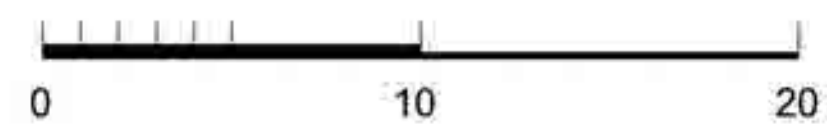
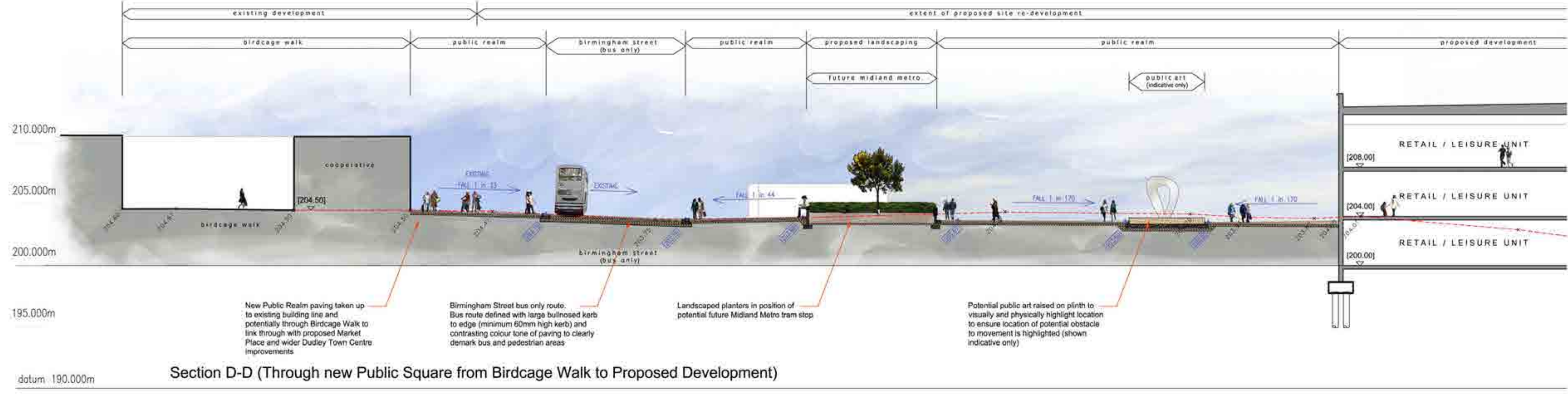
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View of Public Square from north



View of Public Square from south



A		04.03.12	Proposals revised following discussions with DMBC	JB	SRD
Rev.	Date	Description	Drawn	Checked	
		Client: Avenbury (Dudley) Ltd			
Harborne Court 97-99 Harborne Rd Edgbaston Birmingham B15 2SU T: 0121 455 9294 F: 0121 456 2232 E: info@dw.co.uk davisweatherill.co.uk		Project: Porters Field Dudley Town Centre			
The Arch Barn Unit 7B, Estate Yard Harwood Leeds LS17 3LF T: 0113 288 6106 F: 0113 288 6787 E: info@dw.co.uk davisweatherill.co.uk		Title: Illustrative Public Square Detailed Section D-D			
Contact Birmingham Office <input checked="" type="checkbox"/>		Contact Leeds Office <input type="checkbox"/>			
www.davisweatherill.co.uk					
Drawn	JB	Checked	SRD	Orig. No.	10167 / PA10
Date	01/2013	Scale	1:200@A1	Rev	A
Status	PLANNING				



1 Integrated landscaping and seating as part of new Public Square



2 Birmingham Street bus only route treated as part of new public realm space



3 Future Midland Metro tram line to be integrated as part of streetscape



4 Pedestrian routes through public realm ensure vibrancy of new public square



5 Kiosk cafe integrated with proposed public realm, Midland Metro tram stop and bus station



6 Wedding / funeral vehicle access to new public space fronting Church

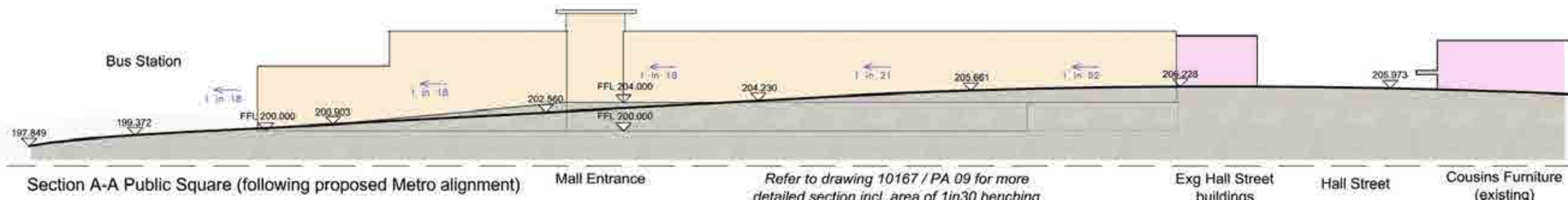


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- Legend:**
- Indicates boundary for the purpose of the Planning Application
 - Proposed pedestrian entrance
 - Pedestrian linkage route
 - Proposed car access
 - Proposed service vehicle access
 - Proposed level
 - Section line - refer to drawing 10167 / PA09 for further detail of proposed levels and gradients across Square
 - Proposed predominately glazed elevation / glazed shopfront ie 'active frontage'
 - Potential Future Midland Metro alignment shown indicative only

- Hard Landscape Materials Legend:**
- Pedestrian / Public Square - concrete paving with exposed aggregate for slip resistance (Marshalls or equal approved range)
 - Feature banding concrete paving with exposed aggregate and contrasting colour / size units (Marshalls or equal approved range)
 - Main vehicular circulation - asphalt or bitmac surfacing
 - Birmingham Street bus route materials complimentary to Public Square but with contrasting colour and defined min. 60mm kerb (Marshalls or equal approved range)
 - Potential recycled Dudley Pink Granite kerbs nb. kerb to be at least 60mm high to be reliably detected by blind or partially sighted
 - Feature natural sandstone paving and detailing
 - St Joseph Street bus / service access road - aggregate resin bonded road surface to delineate limited access
 - Pedestrian deterring paving around St Joseph St bus layover area - refer to highway engineers drawings
 - Raised planter with recon. stone coping and integrated seating
 - Street furniture - timber and metal steel street furniture incl. benches and bins from agreed range (Marshalls / Woodhouse or equal approved range)
 - Bollards - metal minimum 1000mm high from agreed range (Marshalls / Woodhouse or equal approved range)
 - Controlled pedestrian crossing
 - Public Art - potential location of public art feature details to be agreed

- Soft Landscape Legend:**
- Close mown grass area
 - Low ground cover planting
 - Structural tree / specimen planting
 - Semi mature tree planting within resin bonded gravel surround
 - Existing tree retained subject to Tree Condition Survey



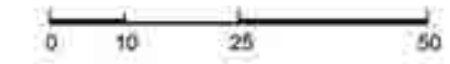
Rev.	Date	Description	Drawn	Checked
B	04.03.13	Proposals revised following discussions with DMBC	JB	SRD
A	11.01.13	Proposals revised following meeting with DMBC	JB	SRD

		Client:	Avenbury (Dudley) Ltd
Harborne Court 87-89 Harborne Rd Edgbaston Birmingham B15 2SJ T: 0121 455 9294 F: 0121 456 2232 E: info@dw.co.uk davisweatherill.co.uk		Project:	Porters Field Dudley Town Centre
The Arch Barn Unit 7B, Ecclestone Yard Harwood Leeds LS17 3LF T: 0113 288 6108 F: 0113 288 6787 E: info@dw.co.uk davisweatherill.co.uk		Title:	Illustrative Public Space / Landscape Materials
Drawn JB	Checked SRD	Drawn	Checked
Date 01/2013	Scale 1:500@A1	Rev	
Status PLANNING		10167 / PA08	B



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- Legend:**
- Indicates boundary for the purpose of the Planning Application
 - Proposed Pedestrian Entrance
 - proposed Pedestrian Linkages
 - Potential Midland Metro alignment shown initiative only
 - Foodstore use
 - Non-food Retail / Leisure use
 - Enclosed circulation covers / routes
 - Potential new Public Realm space - refer to drawing 10167 / PA 03 for further detail

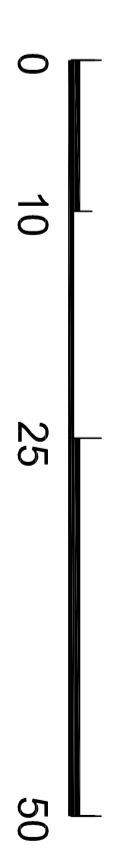
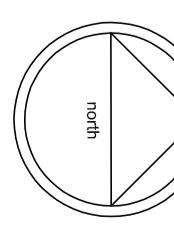


Under store 'Lower' car parking plan [+200.0]

Rev.	Date	Description	Drawn	Checked
<p>DAVIS WEATHERILL PARTNERSHIP <small>MARKER ARCHITECTS</small></p> <p>Client: Avenbury (Dudley) Ltd</p> <p>Project: Porters Field Dudley Town Centre</p> <p>Title: Illustrative Scheme Masterplan Proposal</p>				
Drawn: JB	Checked: BRD	Dwg. No: 10167 / PA04	Rev: D	
Date: 02.2012	Scale: 1:1000@A3			
Status: PLANNING				

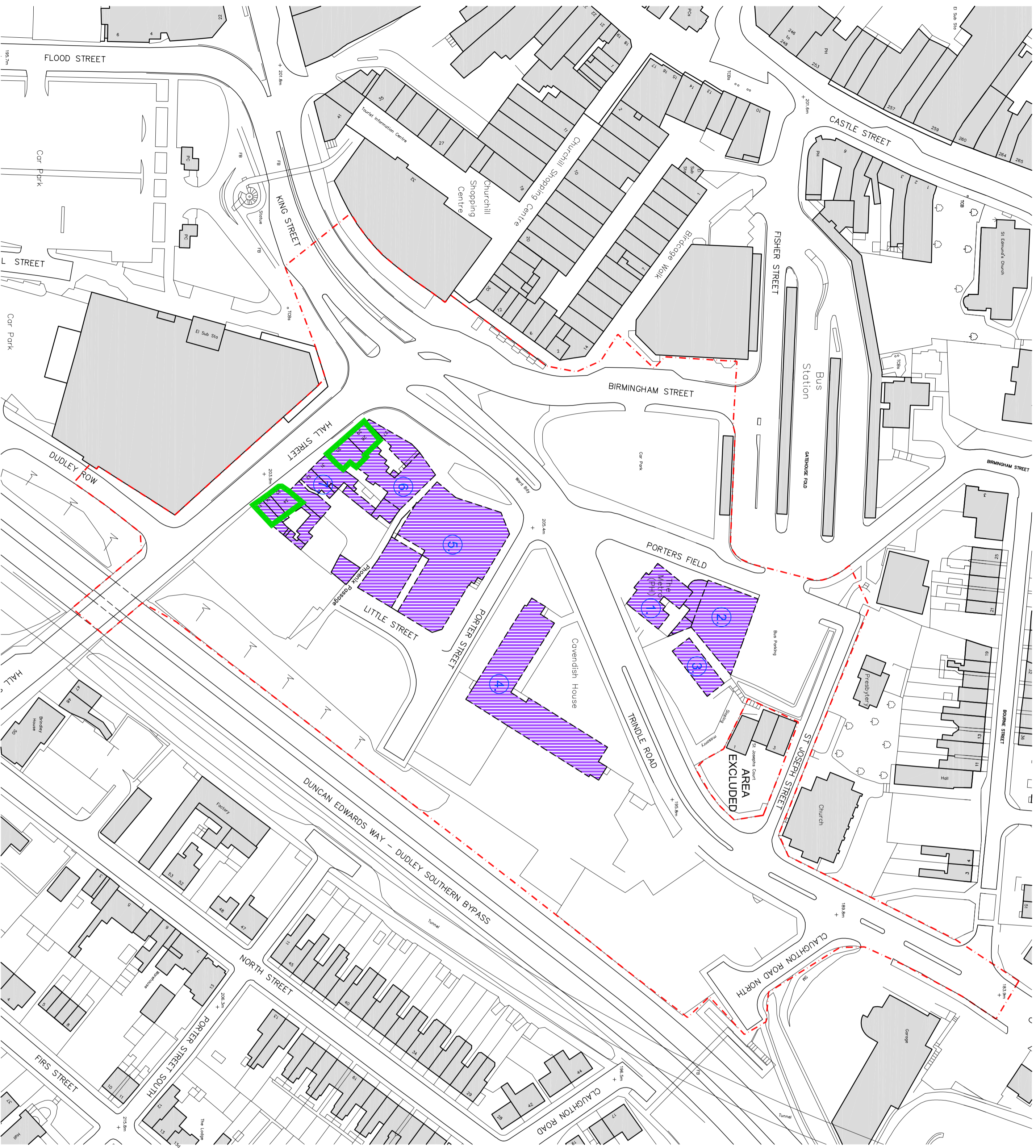


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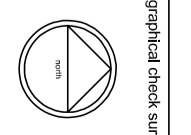


Rev.	Date	Description	Drawn	Checked


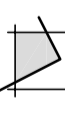
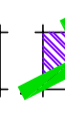
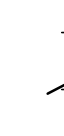
<p>DAVIS WEATHERSHILL PARTNERSHIP CHARTERED ARCHITECTS</p> <p>Headquarters: Grand 67-69 Haverham Rd Edgware, Middlesex HA8 5SD T: 0181 446 2202 F: 0113 286 6787 E: info@davisweatherill.co.uk www.davisweatherill.co.uk</p>		<p>The Arch Firm Unit 1B, Estima Yard Hazwood LS17 7JF T: 0113 286 6787 F: 0113 286 6787 E: info@archfirm.co.uk www.archfirm.co.uk</p>	
<p>Client: Avenbury (Dudley Ltd)</p>		<p>Project: Porters Field Dudley Town Centre</p>	
<p>Title: Existing Site Plan</p>		<p>Dwg. No. 10167 / PA05</p>	
<p>Drawn: JB Date: 07/2012 Status: PLANNING</p>		<p>Checked: SPD Scale: 1:500 @ A0 Rev.: A</p>	



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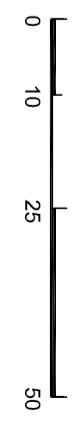


Legend:


-  Indicates boundary for the purpose of the Planning Application
-  Existing building
-  Part of existing building to be retained and refurbished
-  Existing building to be demolished

Proposed demolition:

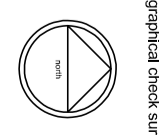
- 1.** The Metro Public House and adjacent offices - DMBC Heritage Asset reference 12898
 [pub footprint 280m² pub / restaurant]
 [Taxi Office footprint 70m² office]
 - 2.** Rickshaw Restaurant - within Dudley Town Centre Conservation Area [footprint 470m² restaurant]
 - 3.** Single storey community style building / hall - within Dudley Town Centre Conservation Area [footprint 160m²]
 - 4.** Coverditch House - derelict 7-storey office building with car parking [5,807m² of offices with 105 car parking spaces - details taken from sales particulars]
 - 5.** Second hand furniture sales - buildings to Porter Street / Little Street / Trindle Road [footprint 1,640m²]
 - 6.** Buildings to rear of and No. 27 Hall Street - within Dudley Town Centre Conservation Area [footprint 500m² x 2-floors = 1,000m²]
 - 7.** Circa 1970's buildings Nos. 31 & 32 Hall Street - within Dudley Town Centre Conservation Area [footprint 330m² x 2-floors = 660m²]
- Approximate total demolition = 10,087m² / 108,575sqft



Rev.	Date	Description	Drawn	Checked

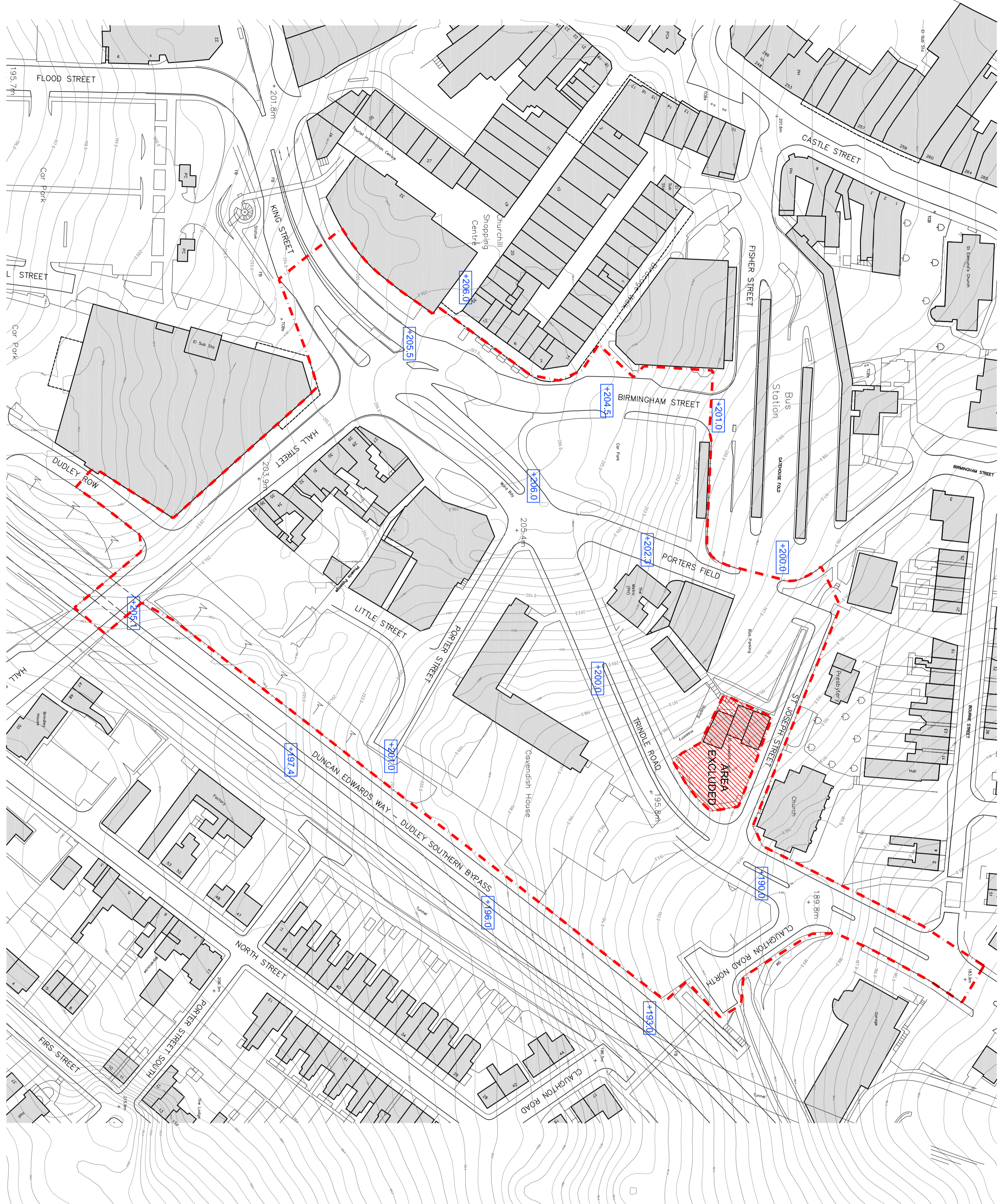
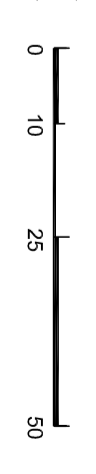
 DAVIS WEATHERILL PARTNERSHIP CONSULTING ARCHITECTS		Client: Avenbury (Dudley Ltd)	
National Court 100 Old Edwars Rd Birmingham B15 2JF T: 0121 455 8234 F: 0121 455 2222 E: 0113 298 8106 davisweatherill.co.uk	The Arch Barn 100 Old Edwars Rd Birmingham B15 2JF T: 0121 455 8234 F: 0121 455 2222 E: 0113 298 8106 davisweatherill.co.uk	Project: Porters Field Dudley Town Centre	
Birmingham Office <input checked="" type="checkbox"/> Leads Office <input type="checkbox"/> Contact	Contact: <input type="checkbox"/> Leads Office <input type="checkbox"/> Contact	Title: Proposed Buildings to be Demolished	
www.davisweatherill.co.uk		Drawn: JB Checked: STD Date: 07/2012 Scale: 1:1000@A2 Status: PLANNING	Proj. No.: 10167 / PA03 Rev.: A

Notes:
 Drawing based on Ordnance Survey data and is subject to a full topographical check survey.
 Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
 Work to figured dimensions only, do not scale.
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Legend:
 All levels shown are indicative only and subject to full topographical survey

Indicates boundary for the purpose of the Planning Application
 4.27ha / 10.55acres
 Denotes approximate spot level



Rev.	Date	Description	Drawn	Checked

		DAVIS WEATHERILL PARTNERSHIP CONSULTING ARCHITECTS
National Court 100 Old Hall Lane Birmingham B15 2JF T: 0121 455 8234 F: 0121 455 2222 davisweatherill.co.uk	The Aard Barn Unit 7B, Estate Yard Little Aston Birmingham B11 1AA T: 0121 455 8106 F: 0121 3288 8787 davisweatherill.co.uk	Client: Avenbury (Dudley Ltd)
<input checked="" type="checkbox"/> Birmingham Office <input type="checkbox"/> Leeds Office <input type="checkbox"/> Bristol Office	Project: Porters Field Dudley Town Centre	Title: Indicative Existing Site Levels & Topography Plan
Drawn: JB Date: 07/2012 Status: PLANNING	Checked: STD Scale: 1:1000@A2	Dwg. No.: 10167 / PA02 Rev.: A