

Regeneration, Culture and Adult Education Scrutiny Committee 18 January 2012

Report of the Director of the Urban Environment

Progress Report on Regeneration of the Local and District Centres

Purpose of Report

1. To update the Scrutiny Committee on progress in the regeneration of the Borough's local and district centres.
2. To update the Scrutiny Committee on the legal and other issues related to street trading in the Borough's centres

Background

3. This report sets out the work that has been undertaken since the last report on this subject to the Select Committee on 13 September 2010 and provides information on the legal and other issues related to street trading in the Borough's centres as requested at the Committee's meeting on the 2 November 2011

Local and District Centres

4. The Borough's local and district centres as defined in the Black Country Joint Core Strategy are as follows;

District Centres

- Kingswinford
- Lye
- Sedgley

Local Centres

- Amblecote
- Cradley/Windmill Hill
- Gornal Wood
- Netherton
- Pensnett
- Quarry Bank

- Roseville
 - Shell Corner
 - The Stag
 - Upper Gornal
 - Wall Heath
 - Wollaston
 - Wordsley
 - Hawne
 - Oldswinford
5. The hierarchy of all centres in the Borough was originally defined in the Council's Unitary Development Plan, and has been subsequently reviewed by the Black Country Joint Core Strategy (JCS) leading to the new designation of Hawne and Oldswinford as local centres. The detail in terms of boundaries to these centres will be set out in the Borough's emerging Development Strategy Development Plan Document (DPD) which is scheduled for adoption early 2014.
 6. The DPD is unlikely to provide as much detail as the current regeneration strategies for the local centres. Therefore it is likely that further work will need to be undertaken in the form of investment /delivery strategies that provide this type of detail.
 7. The JCS includes a number of 'Regeneration Corridors' which are a network of development opportunities covering areas of regeneration need & opportunity which lie outside of the 4 Principal Centres identified in the JCS (Dudley, Brierley Hill, Stourbridge and Halesowen). Regeneration opportunities for these Principal Centres are covered by adopted or proposed Area Action Plans. Those Regeneration Corridors that lie within the Borough, as shown on Appendix A to this report, are as follows;
 - Corridor 10 Pensnett to Kingswinford
 - Corridor 11a Dudley Town Centre to Brierley Hill
 - Corridor 11b Brierley Hill to Stourbridge
 - Corridor 13 Jewellery Line: Rowley Regis to Stourbridge Junction
 - Corridor 14 Coombswood to Halesowen
 - Corridor 16 Dudley Town Centre to Coseley
 8. Regard has been given to the content of Local Centres Regeneration Plans/Strategies in the development of the strategic policies set out in the JCS, and this consistency will be maintained in the preparation of a Delivery Plan for the DPD

Local and District Centres Review

9. The first Local and District Centres Review, approved by Cabinet in September 2006, analysed the borough's 16 local and district centres and identified the 5 that would become the Council's priorities for regeneration over the following 3 years. This Review highlighted the centres most in need of regeneration by evaluating the performance of each against some basic criteria. The criteria used were vacancy levels, retail representation in the protected frontages, diversity of uses and traffic congestion.

10. The priority centres identified as a result of the Review were: - Shell Corner, Lye, Cradley, Pensnett and Quarry Bank. For each of these priority centres, the intention was for Regeneration Strategies/Plans to be developed to encourage and guide investment and renewal in these areas. The Regeneration Strategy/Plan is a non-statutory document and is developed within the framework of current planning policy (the approved Unitary Development Plan) but not included within the Council's Local Development Scheme. As such, it has limited weight in planning terms but is able to be prepared, adopted and reviewed in a more expedient manner than if prepared as a statutory planning document
11. Substantial progress has been made in developing Regeneration Strategies for these priority local and district centres. The Lye District Centre Action Plan was approved in 2004 and Regeneration Strategies/Plans have been developed for Cradley/Windmill Hill Local Centre (approved in February 2008); Shell Corner Local Centre (approved in December 2008); Pensnett (approved in July 2009); and Regeneration Strategy for Quarry Bank is due to be signed off by the Cabinet Member and adopted as Council policy in late December 2011.
12. The District and Local Centres Review was updated and approved by Cabinet on the 3rd September 2009. The Review again identified the district and local centres that will become the priorities for regeneration over the next 3 years and a further two centres at Netherton and Wordsley have been added to the priority list.
13. The priority work for the centres team over the next year is to deliver the actions identified in the Regeneration Strategies/Plans. However any review of these approved plans/strategies and the production of strategies for the two additional centres will have to be dealt with through the new Development Plan System as part of the Development Strategy Development Plan Document (DPD).
14. The DPD will deal with reviewing centre boundaries, protected frontages, site allocations and retail policies specific to local and district centres. It will also address some issues relating to each specific local and district centre, however delivery actions and activity will need to be addressed by individual centre delivery/investment strategies. As indicated in para 4 above, the DPD is due for adoption in 2014.

Update on delivering the actions contained in current Plans/Strategies.

Cradley/Windmill Hill

15. Detailed work was carried out last year to which demonstrated that a more radical approach to regeneration activity in this local centre would not be viable, and validated the incremental approach of the adopted Regeneration Strategy. 17 out of the 30 short, medium and long term actions on the Regeneration Strategy have been addressed and implemented.
16. These actions include
 - completion of Highway and public realm works

- securing of outline planning permission (subject to Section 106 agreement) for mixed use development at the 118-122 Windmill Hill site
 - support for the Providence Methodist church with their aspirations to redevelop the site; for residential use incorporating a replacement church facility
 - proposals prepared on public realm improvements to car parks, footpaths, open spaces and on the potential for public art to celebrate the history of the area and these will be subject to a public consultation shortly. This work will be used to bid for external funding and prioritise available funding through, for example, Section 106 receipts
 - survey work on the vacant properties in the centre has been completed and occupiers of vacant properties are being approached with a view to inclusion in the Empty Shops Grant initiative
17. Members have asked for a report specifically on Cradley/Windmill Regeneration, and it is proposed that this be presented to the March 2012 meeting of this Committee, at which time a greater level of detail on activity in this local centre may be considered

Lye

18. Officers are working closely with Dudley NHS and their development partner Ashley House on the development of proposals for the development of a LIFT healthcare facility adjacent to the Lye bypass. Work is focussing on the details of the land transfer from the Council to LIFT, car parking issues and pre-planning application discussions. Site surveys and investigations have been completed. The proposals have been subject to a successful public consultation exercise and a planning application is expected to be submitted early in 2012
19. Officers have been working with the Lye and Wollescote Regeneration Partnership on public realm proposals. As part of this a new paved and grassed seating area has been laid out with a welcome sign designed by a local resident.

Pensnett

20. Officers are working closely with Dudley NHS and Ashley House on the development of proposals for the development of a LIFT healthcare facility in the heart of the local centre. Work is focussing on access issues and pre-planning application discussions. LIFT have signed an option agreement for the acquisition of the site. Site surveys and investigations have been completed. The proposals have been subject to a successful public consultation exercise and a planning application is expected to be submitted early in 2012

Quarry Bank

21. Officers have given extensive support to the Quarry Bank Community Association in their successful bid for funding for a feasibility study for the refurbishment of the

22. Funding has been secured for dedicated cycle parking and the work is due to be implemented by March 2012
23. Funding has been secured to prepare proposals for public realm improvements to car parks, footpaths, open spaces and on the potential for public art to celebrate the history of the area. This work will be used to bid for external funding and prioritise available funding through, for example, Section 106 receipts

Shell Corner

24. Support is being given to the Shell Corner Partnership in their production of interpretation panels to celebrate the history of the local centre, for which planning permission will shortly be sought
25. Survey work is complete on vacant premises for the Empty Shops Grant in the local centre prior to contacting owners/occupiers to identify suitable premises for inclusion
26. In order to increase footfall for convenience shopping in the local centre, increased numbers of free on street short stay car parking spaces have been provided
27. Funding has been secured to prepare proposals for public realm improvements to car parks, footpaths, open spaces and on the potential for public art to celebrate the history of the area. This work will be used to bid for external funding and prioritise available funding through, for example, Section 106 receipts

Wollaston & Wordsley

28. Survey work is complete on vacant premises for the Empty Shops Grant in the local centre prior to contacting owners/occupiers to identify suitable premises for inclusion

Work in remaining local and district centres

29. In the remaining district and local centres Regeneration Plans/Strategies are not currently being developed but projects are being supported as required within the resources available. The projects that have been supported are as follows:-

Netherton

30. Gateway/Public Art. Funding was secured to implement a gateway/ public art following an art competition won by a pupil at Hillcrest High School. The artwork was installed on the grass bank on the Halesowen Road, opposite Northfield Road in late 2010
31. Netherton Park – Healthy Towns. The outdoor gym at the park was completed at the end of March 2010 and subsequent contracts for, lighting, pathworks and signage were completed by the end of March 2011. A number of active travel corridors have

32. In addition the Council have implemented a number of improved access points onto Dudley No. 2 canal as part of a joint Lottery funded project with Groundwork West Midlands, British Waterways and Dudley Canal Trust. The scheme includes the upgrading of the Dudley No.2 canal towpath together with access improvements, environmental enhancements and community engagement initiatives.

Roseville

33. Silver Jubilee Park – As part of the Healthy Towns programme the park is one of the hub locations. The outdoor gym was completed in March 2010 and the hub building works was completed in September 2010. Further contracts for floodlighting, signage, entrance features and play area and tennis court surfacing were completed by February 2011. This work, together with the previous improvements carried out under the Liveability programme, brings the total of recent and committed investment to the park to just over £900,000
34. A number of active travel corridors have been introduced linking the surrounding communities to Silver Jubilee Park and Coseley Centre, including links from Sedgley, A4123 Priory Road, A4123 Shaw Road and Coseley Railway Station. Main works are complete but a number of additional time & distance direction signs are in the process of being installed.
35. The £7M Midland Heart Wallbrook Extra Care Development (Willowfields) was completed in the spring of 2011 and provides 72 quality apartments to rent or buy, providing excellent facilities and safe independent homes for people who want to enjoy an active, healthy retirement.

Other issues

36. The Council's priorities within the Economic Strategy and Local Investment Plan have been to concentrate resources and investment on the 4 principal town centres (i.e. Dudley, Brierley Hill, Halesowen and Stourbridge). There will be a greater demand for resources as work in the priority district and local centres increases and also as the demand for the Council to get involved in the non priority centres becomes greater.
37. The preparation of Regeneration Plans/Strategies is running alongside the preparation of the Local Development Framework (LDF) as it was felt that action was needed within these centres that could be pursued within the existing planning framework. However any new policies and proposals for these centres will have to be dealt with through the JCS and emerging Development Strategy DPD.
38. It should be recognised that the production of Regeneration Plans/Strategies will in itself not create development activity or the funding to drive it. It will however provide a framework to guide appropriate investment where resources exist. To that end, all

39. Given current market conditions, proactive promotion of the Borough and its development opportunities is a key activity of the recently launched Dudley Business First Service (led by the Council's Economic Development Team). This new service provides a single point of contact for handling enquiries from local businesses and inward investors with the principal aim of delivering a recognisable, responsive and accessible service. The Dudley Business First service is the outcome of consolidating the Council's existing inward investment, business support, external funding and economic intelligence activities by using existing resources.
40. The Dudley Business First Service is well placed to assist the delivery of the actions identified in the Regeneration Strategies/Plans and Regeneration Corridors.
41. Examples of such assistance are by working collaboratively with the centres team to identify potential external funding opportunities and liaison with property agents and interested potential investors/developers; by assisting in the development of detailed investment/delivery strategies in line with current market demand and supply and by stimulating investment; and by the provision of targeted business engagement activity within specific district and local centres with advice on:
- Support to businesses in identifying and access business finance
 - Assistance with land and property matters
 - Accessing tailored business advice
 - Support with business to business opportunities
 - Helping with skills, employment and training requirements
 - Identifying supply chain opportunities
 - Raising the profile of businesses within each centre.

Issues related to street trading in the Borough's centres

42. At the Committee's meeting on the 2 November 2011, a request was made for a piece of work on the Council's charging policy for street trading in the Borough's Centres.
43. By way of background, the Council issues Street Trading Consents under the Local Government (Miscellaneous Provisions Act) 1982 Part III. Under this Act the Council has designated certain streets in the Borough as Consent Streets or Prohibited Streets. In the main the designated streets relate to town centres.
44. A consent street is a street where a Street Trading Consent is required from the council to sell goods from a stall/barrow etc in that street. A prohibited street is a street where street trading cannot take place.

45. If a street has no designation a Street Trading Consent is not required to trade nor is street trading prohibited. However, other permissions such as planning and highway may apply.
46. The council has an unfettered discretion on granting, refusing, suspending, or revoking street trading consents and there is no right of appeal against the council's decision in these matters.
47. The Licensing and Safety Committee determine all new applications for Street Trading Consents together with any applications for the renewal of a Consent where objections have been received by the Licensing Office.
48. The Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent. What is reasonable to take into account when determining the fees to be charged for a Street Trading Consent was defined by a decision of the High Court in 1991. The judges stated that when looking at what fees are reasonable the council can take into account the total costs covering the operation of the trading scheme. There is no intention that this clause should enable the Council to merely raise general revenue/income and this was not Parliament's intention. Therefore, providing that the reasonable fee can justify or evidence that the fee reflects administration enforcement etc, then it can charge reasonable fee that reflects those things. (The Act does not allow a street trading consent holder to be charged for the collection of refuse and cleansing of streets etc.)
49. A detailed review will be undertaken in relation to the Borough's Centres to ascertain where the most appropriate locations for street trading would be. This review is likely to address the need to identify appropriate levels of quality standards for each centre; to ensure that street trading is complementary to and not competitive with other retail activity; to seek an appropriate balance between income generation for the Council and a desire to support small business, and a review the legal position in respect of the fees charged. It is proposed to present this review to a future meeting of this Committee

Finance

50. Those activities detailed in the report which are delivered directly by the Council are funded within existing revenue and capital budgets.

Law

51. Section 2 of the Local Government Act 2000 enables the Council to do anything which it considers likely to achieve the promotion or improvement of the economic, social and environmental well being of its area.

Equality Impact

52. This work has been conducted in full accordance with the Council's equality and diversity policies and should in no way have any prejudicial impact on different racial

Recommendation

53. That the Committee;

- (i) Note the progress made in regenerating the Borough's district and local centres
- (ii) Note the position regarding the development of revised street trading policies in the Borough's centres
- (iii) Consider a report on the development of revised street trading policies in the Borough's centres at a future meeting



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List of Background Papers

1. Centres and Retail – District and Local Centres Review February 2006
2. Lye District Centre Position Statement September 2005
3. Lye District Centre Action Plan – July 2004
4. Cradley/Windmill Hill Local Centre Regeneration Plan- July 2007
5. Shell Corner Local Centre Regeneration Strategy- October 2008
6. Pensnett Regeneration Strategy – July 2009
7. Quarry Bank Regeneration Strategy – December 2011