

# PART B

## Conservation Area Management Proposals

### 8. Introduction

#### 8.1 Special Interest

In Part A the Conservation Area Character Appraisal considered the historical development of Brierley Hill. It also provided an analysis of the physical, social and economic factors that define the present day character and appearance of the High Street area.

This special interest is summarised in Section 2 of the appraisal which confirms that sufficient architectural and historical significance survives to justify the designation of the town centre as a conservation area.

#### 8.2 Good practice

As guidance on conservation areas published by English Heritage notes: *'Change is inevitable in most conservation areas. The challenge is to manage change in ways that maintain and, if possible, reinforce an area's special qualities.'*

The proposals set out below follow that good practice guidance and build both on the issues identified in the conservation area appraisal and on those arising from public consultation. They will assist the Council in its efforts to maintain the special interest of the Brierley Hill High Street area, to enhance its distinctiveness and to support its economic regeneration.

### 9. Conservation Area Policy Framework

Council planning policies for conservation areas draw upon the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and on national guidance provided in PPG15 and PPG16. Current policies are included in the Unitary Development Plan (UDP) for Dudley adopted in 2005.

The most relevant UDP policies are:

- S4 : Protection of heritage assets
- S5: Local distinctiveness
- HE4: Conservation areas
- HE5: Buildings of local importance
- HE6: Listed buildings
- HE8: Archaeology and information
- HE11: Archaeology and preservation

The UDP policies will soon be superseded by those of the Local Development Framework (LDF). An overall policy providing for the conservation of the historic environment is included in the Core Strategy and a Supplementary Planning Document on the Historic

Environment (SPD7) was adopted by the Council in March 2007. The LDF also provides for an Area Action Plan for Brierley Hill which will contain its' own policies including ones tailored for the protection of the local historic environment.

## 9.1 Statutory Controls

Designation as a conservation area brings a number of specific statutory provisions aimed at assisting the “*preservation and enhancement*” of the area.

These controls include:

- The requirement to secure Conservation Area Consent before demolition of unlisted buildings within a conservation area;
- The requirement that notice is served before works to trees are undertaken;
- The requirement to take account of the conservation area's character in making any planning decisions;
- Service of Article 4 directions to bring permitted development within the requirement for planning permission where it is judged that uncontrolled use of permitted development rights would create a gradual erosion of historic character through numerous small changes;
- Service of Amenity Notices to require the improvement of land that adversely affects a neighbourhood;
- Service of Urgent Works Notices to require the repair of unlisted buildings that contribute to the character of the area;

As Section 1 (5) land within the meaning of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 1995, dwelling houses and business premises within conservation areas have fewer permitted development rights for alterations and extensions. Where justified, the application of an “Article 4 Direction” can remove further permitted development rights from dwelling houses in a conservation area.

Staff in the Council's Historic Environment Section can give further and more detailed advice as to how the policies and powers may apply to particular circumstances.

### **ACTION**

The Council will seek to ensure that new development within the conservation area seeks to preserve or enhance its character or appearance in accordance with its' statutory duty and with policies laid down in DMBC UDP 2005, the emerging Local Development Framework and other national, supplementary and advisory guidance.

## **10. Addressing the challenges the Brierley Hill High Street Conservation Area faces**

For many years, Brierley Hill High Street has suffered from the negative effects of industrial decline, loss of local employment and a shift of retail and other economic activity to Merry Hill. The symptoms of these factors are evident in the somewhat run down fabric of the High Street and there is the danger of a downward spiral as low investment and a poor environment go hand in hand.

### **10.1 Improving the environment of Brierley Hill**

#### **The Public Realm and Enhancement**

The appraisal has identified a number of features within the public realm that contribute to the character of the conservation area. However, it also identified that the materials and age of the paving and other infrastructure tend to have a neutral or negative impact on the overall quality of the conservation area's character and appearance. The size of the unit paving and its colour lack a clear distinction from the materials of the surrounding buildings and, as such, visually merge with them detracting from the buildings of historic interest. The current materials bear little relevance to the historic context of the area whilst there is little effort made to distinguish buildings of particular interest. The low level of investment is reflected in the current condition of the public realm which suggests, albeit unintentionally, a lack of interest and confidence in the area whilst failing to provide a desirable shopping environment. It is important that in investing in the conservation area's public realm consideration is also given to the areas beyond the conservation area and the interface with them.

#### **ACTION**

The Council will work with its partners, including Advantage West Midlands, to pursue a strategy for a comprehensive scheme of public realm improvement and enhancement to raise the quality of the conservation area's environment.

#### **Poorly defined open space at Bank Street/High Street/Level Street junction**

The character appraisal identified the Bank Street/High Street/Level Street junction as a particularly poorly defined open space, which forms an entry point to the conservation area. Negative features of the space included the lack of buildings defining the eastern edge of the space, the dominance of traffic and highways surfaces within the area, the narrow pavement widths, which create particular problems around the bus stop and the low quality and siting of the seating provided. The inaccessibility of the otherwise attractive green space in front of the police station is a particular issue, where this represents a missed opportunity to allow pedestrians to exploit a public space away from the overbearing traffic.

Following the opening of the parallel route it is hoped that some of the current high traffic load will be diverted away from this junction, which may allow it to be downgraded. The value of this space as a gateway to the High Street area might be recognised through its inclusion within a comprehensive scheme of public realm improvement, which might also involve provision of access to the green space. Ideally this would also be used to promote the use of the Civic Hall and former Cinema for cultural events.

### **ACTION**

The Council will work with its partners to seek reinvestment in the public realm in the Bank Street/High Street/Level Street square as part of a wider scheme of environmental enhancement that complements the area's historic interest.

Redevelopment of the former car park site between Level Street and Dudley Road should seek to achieve a high level of quality in architectural design and construction to create a fitting entry to the conservation area. Ideally, this should provide a mixture of retail and residential use, bringing additional vibrancy to the open space.

### **ACTION**

In promoting the redevelopment of the Level Street car park site the Council will have particular regard to the potential for enhancement of the Bank Street/High Street/Level Street open space and the creation of a high quality urban environment.

## **Trees**

Within conservation areas, anyone intending to lop or fell a tree greater than 100 mm. diameter at 1.5 metres above the ground must give the Council six weeks written notice before starting the work. This provides the Council with an opportunity to assess the tree to see if it makes a positive contribution to the character or appearance of the conservation area, in which case a Tree Preservation Order (TPO) may be served. Identified are a number of significant trees throughout and adjoining the conservation areas and these are marked on the appraisal map. Moreover, specific locations within the conservation area were identified as suitable locations for new tree planting to improve enclosure and the overall street scene.

### **ACTION**

The Council will consider tree planting as part of a wider scheme of public realm improvements and enhancement, in building upon the positive impact of existing notable trees within and adjoining the conservation area.

## **Traffic**

The character appraisal identifies the heavy flow of traffic along the High Street and across the two main junctions (Bank Street/Level Street/High Street and Mill Street/Moor Street/High Street) as significantly detracting from the character of the conservation area, through noise and air pollution and particularly by creating a barrier to pedestrian movement, both through the flow of traffic and the requirement to provide safety railings to the pavement along parts of

High Street. It is expected that the opening of the parallel route will relieve the weight of traffic along the High Street and at these junctions, although it is expected that there will still be a significant flow of traffic between east and west through the conservation area (i.e. Moor Street – Mill Street and Bank Street – Level Street).

Reduction in the volume of traffic should allow the creation of a more pedestrian friendly environment, particularly along High Street, whilst it is expected that Cottage Street will be pedestrianised. Measures to attain this improved pedestrian feel could include widening of pavements, removal of unnecessary safety railings, provision of raised pedestrian surface tables at crossings of minor side streets including Talbot Street, Pearson Street and Cottage Street, as well as improved definition of pedestrian crossings. Reconsideration of traffic speed regulations to provide a 20mph limit on the High Street would also be desirable in promoting a safe interface between traffic and pedestrians. This could be combined with the creation of prominent gateways to the conservation area at Bank Street/Level Street, Moor Street, Mill Street and Church Street to highlight entry into a more pedestrian environment.

### **ACTION**

The Council will use a number of measures including environmental improvement in the public realm and ongoing review of traffic speed regulations to achieve an integrated strategy that establishes better conditions for pedestrians in the conservation area.

## **Highways Signage**

The overbearing presence and poor siting of highways signage has a negative impact on the appearance of the conservation area. Subsequent to the opening of the parallel route an opportunity exists to reassess the signage requirement of roads within the conservation area and, potentially to rationalise the size, siting and form of many highways signs in conformity with the updated highways regulations and English Heritage's guidance as set out in the Streets for All manual (2005), produced in collaboration with the Department for Transport. Painting of posts bearing signs has been shown elsewhere to significantly reduce their visual prominence, improving the amenity of an area at relatively little cost.

### **ACTION**

The Council will seek to reduce the impact of highways signage on the appearance of the conservation area through rationalising and repositioning signs, where desirable, as part of a wider scheme of public realm improvements and enhancements.

## **10.2 Arresting the loss of distinctiveness**

### **Buildings in need of repair or maintenance**

The character appraisal identified the poor condition of many historic buildings, as well as a number of relatively recent buildings, within the conservation area as a critical issue affecting its character and appearance. In some instance buildings will need significant remedial measures to avoid loss. The character appraisal noted that some

deterioration may be due to the presence of vacant floor space above shop units resulting in lack of maintenance. Other reasons for the lack of appropriate repair and maintenance include the low economic vitality of the area in recent years, low levels of confidence in its recovery, a lack of appreciation of the historic interest of buildings in the area, lack of skilled craftsmen to undertake repair work and the perceived high cost of such repairs.

These issues need to be addressed in order to encourage building owners to invest in their property to a standard that would ensure the character and appearance of the conservation area is protected and enhanced. Investment in the public realm to improve the general environment of Brierley Hill High Street is an important step in improving the image of the area as a local shopping centre and working environment, which will encourage investment.

### **ACTION**

The Council will seek to bring about investment in the public realm, including street paving and furniture to raise the quality of the environment within the conservation area, using materials and detailing that reflect the historic and architectural interest of the area. This should act as an additional stimulus to the complementary repair and refurbishment of buildings in the conservation area.

The Dudley Town Centre THI scheme includes a significant programme of training for local craftsmen to provide the necessary skills base to undertake appropriate repairs to historic buildings. Nonetheless, the continued availability of these skills will be reliant on the availability of training opportunities and sufficient projects to maintain a body of craftsmen. Promoting awareness of the historic interest of the area would be significantly supported by the official recognition provided by designation as a conservation area, although this should form the first stage in raising public awareness of the important historic role of this area of Brierley Hill and its development.

### **ACTION**

The Council will continue to work with Future Skills Dudley and local education providers to support opportunities for craftsmen to learn skills in the conservation of historic buildings.

Sources of funding exist to support appropriate repair of buildings and reinstatement of lost architectural detailing in conservation areas; these include the Heritage Lottery Fund Townscape Heritage Initiative grant (THI) scheme and English Heritage's Partnership Scheme. These are based on partnership funding offering grant aid at levels intended to encourage owners to invest in their buildings.

### **ACTION**

The Council will approach potential funding partners to identify the possibility of providing grant aid for repair of historic buildings within the conservation area.

Without clear guidance from the Council on the desired quality and form of repairs and alterations to buildings it is unlikely that owners will readily appreciate the need for these.

## **ACTION**

The Council will provide guidance to owners of historic buildings within the conservation area explaining the consequences of designation and setting out the principles that will inform decisions regarding alterations to buildings.

In addition to these specific actions the Council will monitor the condition of listed buildings and those buildings and structures making a positive contribution to the conservation area and, where a building or structure is threatened by a lack of maintenance or repair, the Council will use the available statutory powers to encourage action to prevent deterioration.

Within Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has powers to secure the preservation of unlisted buildings in the conservation area by using Urgent Works Notices in a similar way to listed buildings (Section 54), although in this case, the Secretary of State's permission is required. Another available power is s215 of the Town and Country Planning Act 1990, which provides Councils with powers to serve notice on owners of unused and derelict land (including buildings) to improve its visual amenity. Both are of particular relevance where a building or structure is important for maintaining the character and appearance of the area. The Council may carry out such works as are necessary and recover the costs incurred.

## **ACTION**

The Council will seek to monitor the condition of listed and unlisted buildings, report findings and advise on action, as necessary and as resources permit. Where the condition of buildings or structures within the conservation area gives cause for concern, appropriate steps will be taken to secure the future of the building or structure.

## **Protecting Key Historic Buildings**

A number of listed buildings were demolished in the centre of the conservation area during the 1990s to allow improvement of the highways and junctions. Other historic buildings have been demolished for consolidation of larger plots for redevelopment. This has resulted in fragmentation of the historic environment resource within the conservation area and erosion of its character. Surviving buildings that make a positive contribution to the character and appearance of the conservation area are shown on the townscape appraisal map. Where applications for development within a conservation area would affect a building that makes a positive contribution to its character and appearance there is a presumption against the demolition of that building within both national and local policy. Applications requiring demolition will need to establish that the current building is incapable of reuse within economically acceptable limits and that the redevelopment would, in its own right, represent an enhancement of the conservation area.

## **ACTION**

The Council will resist the loss of buildings that make a positive contribution to the character and appearance of the conservation area in fulfilment of Policy HE4 of the adopted UDP. Where redevelopment that required the demolition of such a building

is shown to be both the only economically feasible option for the land and positively desirable to protect and enhance the character of the conservation area, the Council will require developments to be of the highest architectural standard.

## **Former Industrial Buildings and Public Houses**

The appraisal identifies two types of buildings as being under particular threat of loss through lack of use or other pressures, which also make a particular contribution to the character and appearance of the conservation area. These are small industrial buildings and historic public houses. The loss of these buildings would represent a significant erosion of the historic character of the conservation area and should be resisted.

### **ACTION**

The council will have particular regard to the need to protect historic industrial buildings and public houses in the conservation area, as they are considered to make a particular contribution to local character and distinctiveness (See Development Plan Policy HE1). They will encourage the sensitive reuse of these buildings either for their original or new uses that ensure their long term preservation.

## **Historic Shopfronts and Advertising**

The character appraisal identified the loss of historic shop fronts and their replacement with low quality or poorly designed modern ones, including garish advertising, as a factor leading to a significant loss of quality in the character of the conservation area.

Without guidance on the appropriate design and materials of replacement shop fronts and advertising, or the desirability of retaining historic shop fronts or their surviving elements, building owners cannot be expected to be aware of the type of repair or replacement that is required within the conservation area.

### **ACTION**

The Council will seek to provide shop front and advertising design guidance setting out principles on the identification of historic shop fronts and elements of them, the appropriate repair of these, appropriate reinstatement of historic details and the appropriate design and materials of new and replacement shop fronts, including advertisements, within the conservation area.

Maintaining and reinstating historic shop fronts represents an additional cost to owners of businesses within the conservation area that might be felt to affect their viability. However, by ensuring the maintenance and enhancement of an attractive retail environment through designation and management of a conservation area, any additional cost should be offset by the additional vibrancy of the area's economy. Nevertheless, some form of public subsidy may also be justified.

### **ACTION**

The Council will approach funding bodies to determine the possibility of providing grant aid for repair of historic shop fronts and reinstatement of lost architectural details.

## 10.3 Integrating new development

### Negative Buildings

The character appraisal identified a number of buildings that have a negative impact on the character and appearance of the conservation area. The impact of these buildings may be due to a number of factors including poor quality of design and materials in the original construction, inappropriate alterations and poor quality repairs and lack of maintenance. These negative structures should be viewed as opportunities to enhance the character and appearance of the conservation area through either repair and alteration of the existing structure or through demolition and replacement with more sympathetic structures.

#### **ACTION**

Where the appropriate alteration, enhancement or replacement of a building identified as having a negative impact on the conservation area is unlikely to be brought about through normal (market driven) investment the Council will work with partners, including Advantage West Midlands, to promote the regeneration of buildings or sites within the conservation area where this would enhance its character and appearance.

Within the Brierley Hill Urban Historic Landscape Characterisation study, prepared as part of the Area Action Plan, urban design guidelines were proposed to inform development within and in the immediate vicinity of the proposed conservation area, these are reproduced in Section 14 of these Management Proposals.

#### **ACTION**

The Council will promote the urban design guidelines at Section 14 to inform preparation of proposals for new development within the conservation area and in its setting and will use them, with other appropriate considerations, when assessing the quality of applications for redevelopment or alteration of buildings including those considered to have a negative impact on the character and appearance of the conservation area.

### Negative Sites

The character appraisal identified a number of locations within the conservation area that have a negative impact on its character and appearance as a result of the demolition of standing buildings and the absence of subsequent redevelopment, resulting in the creation of pockets of derelict land. Whilst the Council can use powers under Section 215 to require owners to tidy derelict land, bringing land into beneficial use which enhances the character and appearance of the conservation area should be preferred. This might include using vacant sites, specifically the vacant and derelict site between No. 112 and 120 High Street, to create high quality public realm areas that support the accessibility of the conservation area for pedestrians. Other areas, such as the Level Street Car Park or vacant plots on Moor Street and Albion Street might be encouraged to provide new commercial, residential or mixed use properties.

**ACTION**

The Council will use its statutory powers to require improvement of the visual amenity of vacant and derelict land and will encourage new use and development that protects and enhances the character and appearance of the conservation area.

**New development, alteration and extensions**

Careful consideration will need to be given to the treatment, height, scale, massing, form and quality of future development and alterations and extensions adjoining and within the conservation area. A number of cleared sites, or sites with potential for future redevelopment lie within or near to the conservation area such that their redevelopment would potentially affect the conservation area or its setting. Consideration will have to be given to avoid creation of unduly dominant development in such places. As mentioned above the Brierley Hill Urban Historic Landscape Characterisation suggested a number of urban design guidelines to help integrate new development into the historic environment both within the conservation area and in its immediate vicinity. The character of the conservation area can only be maintained through adjoining high quality development, which addresses the issues positively. Within and adjoining the conservation area, where the quality of the general environment is acknowledged by designation, the Council will only encourage the highest quality schemes that respond positively to their historic setting and are in accordance with DMBC UDP 2005 policies HE 1, 4, 5 & 8.

**ACTION**

The Council will seek to determine applications with regard to the Design Guidelines set out in Section 14, best practice guidance and the DMBC Development Plan Policies and any which supersede this in the forthcoming LDF, to avoid the dominance of new development over existing features and structures of positive contribution and the conservation area's character and appearance.

Some new development inside and around the conservation area, will either create new areas of public open space, or affect existing ones requiring new paving, seating, lighting and other street furniture. In creating a sense of a well managed environment it is essential that these works should not detract from the positive impact of the proposed public realm improvements and enhancements, as a result of lesser quality materials or workmanship or using materials and designs that are unsympathetic to those used in the wider improvement scheme.

**ACTION**

The Council will require new development to respect the materials and design principles of the conservation areas public realm improvements in the landscaping of new or regenerated areas of public open space within and contiguous with the conservation area.

## Views and the setting of the conservation area

The character appraisal identifies a number of key views that make a high contribution to the historic interest and character of the conservation area. When considering applications for new development within or in the vicinity of the conservation area the Council will need to consider the desirability of protecting these views as an element of its setting in line with Planning Policy Guidance Note 15 (PPG15): Planning and the Historic Environment. Ideally, new development within these views should help to extend the area of interest, creating a wider area of high quality townscape.

### **ACTION**

The Council will seek to protect the setting of the conservation area including important views into, from or across it when assessing applications for new developments, alterations and extensions within and in the vicinity of the conservation area.

# 11. Planning Controls & General Supplementary Action

This section provides general actions applicable within the conservation area, to ensure its management is consistent with its special architectural and historic interest.

## 11.1 Adoption of a co-ordinated approach to the management of the Brierley Hill High Street Conservation Area

Through discussions with key stakeholders such as the Brierley Hill Traders Association, Brierley Hill Community Forum, Brierley Hill Regeneration Partnership, Advantage West Midlands and English Heritage it is intended to develop a partnership approach to the strategic management of the conservation area. The Council will continue to report matters relating to the conservation area through the Brierley Hill Area Committee.

### **ACTION**

The Council will engage with key stakeholders to ensure a joint approach to the management of the conservation area and will continue to report matters relating to the conservation area to Brierley Hill Area Committee. Consideration will also be given to reviewing other areas in Brierley Hill and considering them for conservation area status.

## 11.2 Revision of the statutory list within the conservation area

During the survey it has become apparent that a small number of buildings might under current national selection criteria be considered eligible for inclusion on the statutory list. These include the Brierley Hill Civic Hall and Police Station, The International Glass College and the Brierley Hill War Memorial.

### **ACTION**

The Council will seek to persuade English Heritage to review the completeness of the existing statutory list of buildings of special historic or architectural interest for Brierley Hill against current selection criteria and, where appropriate, include further structures.

## 11.3 Listed buildings

Listed buildings are protected by law as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The listing covers both the inside and outside of the building, and any structure or building within its curtilage which was built before July 1948. "Listed Building Consent" is required from the Council for any work which affects the special architectural or historic interest of the listed building. There are currently two listed buildings within the conservation area (marked on the townscape appraisal map). Further advice as to the extent of the controls, to adjoining buildings and those in the vicinity, should be sought from the Council. Extensions and alterations to listed buildings

should conform with policy HE6, and should generally:

- Take into account the prevailing forms of development;
- Complement the form and character of the original building;
- Be secondary in bulk and form to the principal building;
- Use high quality materials and detailing;
- Pay particular attention to roof lines, roof shape, eaves details, verge details and chimneys.

### **ACTION**

The Council will seek to ensure that all works to listed buildings seek to preserve the building together with its setting and any features of architectural or historic interest which it may possess in accordance with DMBC UDP 2005 policies and other guidance.

## **11.4 Alterations and loss of locally listed and buildings of positive contribution**

The appraisal identified that the following alterations pose a threat to the special character of the area:

- the erosion of architectural detailing, including traditional timber framed windows, timber doors, historic shopfronts and awnings
- loss of streetscape features of interest including historic telephone and letter boxes;
- the lack of maintenance and need for repair of existing buildings;
- the scale, form, massing, density and quality of adjoining replacement and new infill development;
- the style, materials and detailing of adjoining replacement and new infill development.

There are many individual buildings and associated features which are of positive contribution to the special interest of the area, and these are marked on the townscape appraisal map. There are presently a number of such positive unlisted buildings and structures within the conservation area, which have also been marked on said map. For most buildings planning permission is required for most alterations that would result in either a significant or cumulative changes to the character and appearance of the conservation area. These include alterations to windows, doors, roofs, boundary walls and enclosed spaces or extensions of buildings used for offices, retail and industrial purposes, as well as houses in multiple occupancy, include flats and apartments. Relatively minor alterations can result in a significant loss of character cumulatively and without appropriate control and planning. The Council will encourage all applications for extensions, alterations and change of use to these buildings to be

particularly carefully considered. There is a presumption that all such buildings will be retained set out in PPG15 and Development Plan Policy HE4. Policies HE1, 4 & 5 of the DMBC UDP 2005 provides the criteria against which all such proposals for alterations will be assessed.

### **ACTION**

The Council will seek to ensure that all unlisted buildings and structures of a positive contribution to the conservation areas are protected from inappropriate forms of alteration, extension or unjustified demolition.

## **11.5 Erosion of character and additional planning control**

Certain minor works and alterations to unlisted buildings, in use as single family dwellings, can normally be carried out without planning permission from the Council. Development of this kind is called "Permitted Development" and falls into various classes which are listed in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). These minor alterations can cumulatively have an adverse effect on the character and appearance of a conservation area. Powers exist for the Council, known as Article 4 directions, to withdraw some of these permitted development rights in the interests of preserving and enhancing the character and appearance of the conservation area.

Groups of buildings built as a single scheme of housing or of contemporary date, using similar materials and detailing make a particular contribution to the conservation area by providing areas of united character and appearance. Features of note include the materials used for main facades, the design, style and materials of windows, doors, and other external fixtures and fittings, the style, material and extent of boundary walls, the materials, style and profile of roofing and the materials, style and height of chimney stacks and pots. Areas noted as benefiting particularly from the unified appearance of these features include the dwelling houses on Church Street and Bell Street. The use of Article 4 directions is required to ensure that planning permission is required for alterations or extensions that would affect these features. The Council can then encourage owners to respect significant features through appropriate works by the provision of guidance regarding materials and suppliers.

### **ACTION**

The Council will apply Article 4 directions covering dwelling houses in the conservation area and removing permitted development rights for alterations to roofs, windows and doors, chimneys, facades and boundary walls and such other classes of permitted development as may be appropriate.

## **12. Delivering action - the Conservation Area Action Plan**

This section provides general actions applicable within the conservation area, to ensure its management is consistent with its special architectural and historic interest.

### **12.1 A vision for the future of the conservation area**

It is important that Brierley Hill should be self-sustaining both socially and economically if it is to maintain any gains made through improvement. Achieving this and "Delivering the Strategic Vision" will require sustained and proactive management in addition to image building and re-branding.

Success will require commitment by all Council services and their partners to ensure the sensitive exercise of controls, such as planning permissions, building control, fire regulations and highways standards, and an inter-service collaborative approach is required.

Likewise, it is important that when resources are deployed, they should be coordinated to ensure that the investment is in the best interests of the town as a whole. Accordingly, it is considered that the Conservation Area Action Plan will be delivered most effectively through continued engagement with the Brierley Hill High Street Working Group (or an appropriate successor group) that currently provides a "partnership umbrella". The reporting of conservation area matters to the Brierley Hill Area Committee will certainly continue to be an important element of this collaborative approach.

### **12.2 A strategy to deliver this future**

It is important that the strategy for future management should be more than a 'wish list'. In addition to a series of proposals, the strategic aspect must include timescales and responsibilities. These are provided in the Action Plan (Section 12.3), which establishes a programme and managerial approach that will enable the conservation area to be enhanced and seeks to achieve a sustainable equilibrium.

The Plan includes actions for short, medium and long term timescales. The latter may only be aspirations at present, pending the development of resources, but it is important for Brierley Hill to have ambitions.

Resources, however, are not the issue for immediate actions. Spending decisions are constantly being made and the challenge is to ensure that those investments are made in ways that benefit the special character of the conservation area.

## 12.3 Action Plan (see p.66 for key to costs and timescales)

Timescale	Description	Partners	Cost	Repetition
<b>Recognition and Designation</b>				
I	The Council will recognise Brierley Hill High Street and the environs within a boundary described in the character appraisal as an area of Special Architectural and Historic Interest, the character and appearance of which is desirable to conserve and enhance, within the meaning and requirement of Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	EH, DCMS, CABE, BHRP, BCC, BH Traders Association, BH Community Forum	*	-
<b>Statutory Controls</b>				
I	<b>Control of new development</b> The Council will seek to ensure that new development within the conservation area seeks to preserve or enhance its character or appearance in accordance with policies laid down in DMBC UDP 2005 and other national, supplementary and advisory guidance.	EH, AWM, BHRP, BH Traders Association	-	Ongoing
<b>Improving the environment of Brierley Hill</b>				
M	<b>Environmental Enhancements</b> The Council will work with its partners, including Advantage West Midlands, to pursue a strategy for a comprehensive scheme of public realm improvement and enhancement to raise the quality of the conservation area's environment.	AWM, BHRP, EH, CABE, BH Traders Association, BH Community Forum, Developers	***	-
M	<b>Bank Street / High Street / Level Street Square improvements</b> The Council will work with its partners to seek reinvestment in the public realm in the above areas as part of a wider scheme of environmental enhancement that complements the area's historic interest.	AWM, BHRP, EH, CABE	Part of 3	-
L	<b>Redevelop Level Street Car Park</b> In promoting the redevelopment of the Level Street car park site the Council will have particular regard to the potential for enhancement of the Bank Street/High Street/Level Street open space and the creation of a high quality urban environment.	AWM, BHRP, EH, CABE, BH Traders Association, Developers.	*	-
M	<b>Tree Planting</b> The Council will consider tree planting as part of a wider scheme of public realm improvement and enhancement, in building upon the positive impact of existing notable trees within and adjoining the conservation area.	AWM, BHRP.	Part of 3 and *	-

M	<p><b>Improve pedestrian environment</b> The Council will use a number of measures including environmental improvement in the public realm and ongoing review of traffic speed regulations to achieve an integrated strategy that establishes better conditions for pedestrians in the conservation area.</p>	Highways Agency, AWM, BHRP, EH, CABE, BH Traders Association, BH Community Forum, Developers.	Part of 3	and review after two years
M	<p><b>Rationalise highways signage</b> The Council will seek to reduce the impact of highways signage on the appearance of the conservation area through rationalising and repositioning signs, where desirable, as part of a wider scheme of public realm improvements and enhancements.</p>	Highways Agency, AWM, BHRP, EH, CABE, BH Traders Association, BH Community Forum, Developers.	Part of 3	Ongoing monitoring and review after two years
<b>Arresting the loss of distinctiveness</b>				
M	<p><b>Investing in the environment</b> The Council will seek to bring about investment in the public realm, including street paving and furniture to raise the quality of the environment within the conservation area, using materials and detailing that reflect the historic and architectural interest of the area.</p>	AWM, BHRP, EH, CABE, BH Traders Association, BH Community Forum, Developers.	Part of 3	-
L	<p><b>Training</b> The Council will continue working with Future Skills Dudley and local education providers to support opportunities for craftsmen to learn skills in conservation of historic buildings.</p>	AWM, HLF, EH, SPAB, Victorian Group, Dudley College of Technology, Stourbridge College, Future Skills Dudley, University of Wolverhampton, Ironbridge Institute	-	Ongoing
M	<p><b>Guidance for historic building owners</b> The Council will provide guidance to owners of historic buildings within the conservation area explaining the consequences of designation and setting out the principles that will inform decisions regarding alterations to buildings.</p>	EH, BH Traders Association, BH Community Forum, Developers, Local Estate Agencies	-	Ongoing
L	<p><b>Funding for repair and replacement</b> The Council will approach potential funding partners to identify the possibility of providing grant aid for the repair of historic buildings within the conservation area.</p>	EH, HLF, AWM	-	Ongoing
I	<p><b>Protecting buildings</b> The Council will seek to monitor the condition of listed and unlisted buildings, report findings and advise on action, as necessary and as resources permit. Where the condition of buildings or structures within the conservation area give cause for concern, appropriate steps will be taken to secure the future of the building or structure.</p>	EH, DCMS, BH Traders Association, BH Community Forum	- to **	Ongoing

<b>I</b>	<p><b>Applications for demolition</b> The Council will resist the loss of buildings that make a positive contribution to the character and appearance of the conservation area in fulfillment of Policy HE4 of the Adopted UDP. Where redevelopment that requires the demolition of such a building is shown to be the only economically feasible option for the land and positively desirable to protect and enhance the character of the conservation area, the Council will require developments to be of the highest architectural standard.</p>	EH, DCMS, BH Traders Association, BH Community Forum, Developers	-	Ongoing
<b>I</b>	<p><b>Former industrial buildings and public houses</b> The Council will have particular regard to the need to protect historic industrial buildings and public houses in the conservation area, as they are considered to make a particular contribution to local character and distinctiveness (see Development Plan Policy HE1). They will encourage the sensitive reuse of these buildings either for their original or new uses that ensure their long term preservation.</p>	EH, DCMS, BH Traders Association, BH Community Forum, Developers	-	Ongoing
<b>M</b>	<p><b>Shop front and advertisement design guidance</b> The Council will provide shop front and advertising design guidance setting out principles on the identification of historic shop fronts and elements of them. the appropriate repair of these, appropriate reinstatement of historic details and the appropriate design and materials of new and replacement shop fronts, including advertisements, within the conservation area.</p>	EH, CABE, BH Traders Association	*	Review after 5 years
<b>L</b>	<p><b>Grant aid for repairing historic shopfronts</b> The Council will approach funding bodies to determine the possibility of providing grant aid for repair of historic shopfronts and reinstatement of lost architectural details.</p>	EH, HLF, AWM	-	Ongoing
<b>Integrating new development</b>				
<b>M</b>	<p><b>Negative buildings</b> Where the appropriate alterations, enhancements or replacement of a building identified as having a negative impact on the conservation area is unlikely to be brought about through the normal (market driven) investment the Council will work with partners, including Advantage West Midlands, to promote the regeneration of buildings or sites within the conservation area where this would enhance its character or appearance.</p>	AWM, BHRP	- to ***	Ongoing

I	<b>Design of new development</b> The Council will promote the urban design guidelines at Section 14 to inform preparation of proposals for new development within the conservation area and its setting, and will use them, with other appropriate considerations, when assessing the quality of applications for redevelopment or alteration to buildings including those considered to have a negative impact on the character and appearance of the conservation area.	EH, CABE, BHRP, Developers	-	Ongoing
M	<b>Negative sites</b> The Council will use its statutory powers to require improvement of the visual amenity of vacant and derelict land and will encourage new use and development that protects and enhances the character and appearance of the conservation area.	EH, DCMS, Secretary of State for National Heritage, BH Traders Association, Developers, BH Community Forum	*	Ongoing
I	<b>Design of new development</b> The Council will have regard to the Design Guidelines set out in Section 14, best practice guidance and the DMBC UDP 2005 policies and any which supercede this in the forthcoming LDF when determining applications for development, to avoid the dominance of new development over existing features and structures of positive contribution and the conservation area's character and appearance.	EH, DCMS, CABE, Developers	-	Ongoing
I	<b>Public realm in new developments</b> The Council will require new development to respect the materials and design principles of the conservation areas public realm improvements in the landscaping of new or regenerated areas of public open space within and contiguous with the conservation area.	BHRP, AWM, BH Traders Association, Developers	-	Ongoing
I	<b>Protect important views</b> The Council will seek to protect the setting of the conservation area including important views into, from or across it when assessing applications for new developments, alterations and extensions within and in the vicinity of the conservation area.	EH, DCMS, CABE, Developers	-	Ongoing
<b>Planning controls and general supplementary actions</b>				
I	<b>Community Engagement</b> The Council will engage with key stakeholders to ensure a joint approach to the management of the conservation area and will continue to report matters relating to the conservation area to Brierley Hill Area Committee. Consideration will also be given to reviewing other areas in Brierley Hill and considering them for conservation area status.	BH Community Forum, BH Traders Association, BHRP, Area Committee	-	Ongoing

<b>I</b>	<p><b>Revise Statutory List</b> The council will seek to persuade English Heritage to review the completeness of the existing statutory list of buildings of special historic or architectural interest for Brierley Hill against current selection criteria and, where appropriate, include further structures.</p>	EH, DCMS, Victorian Society and 20th century society.	*	Review in ten years
<b>I</b>	<p><b>Works to listed buildings</b> The Council will seek to ensure that all works to listed buildings seek to preserve the building together with its setting and any features of architectural or historic interest which it may possess in accordance with DMBC UDP 2005 policies and other guidance.</p>	EH, Civic amenity societies, BH Traders Association, BH Community Forum.	-	Ongoing
<b>I</b>	<p><b>Unlisted positive buildings</b> The Council will seek to ensure that all unlisted buildings and structures of a positive contribution to the conservation areas are protected from inappropriate forms of alteration, extension or unjustified demolition.</p>	EH, BH Traders Association, BH Community Forum, Civic Amenity Societies	-	Ongoing
<b>I</b>	<p><b>Article 4 Directions</b> The Council will apply Article 4 directions covering dwelling houses in the conservation area removing permitted development rights for alterations to roofs, windows and doors, chimneys, facades and boundary walls etc. as appropriate</p>	EH, BH Community Forum, DCMS	*	Review every 4 years

<b>Key to costs</b>	<ul style="list-style-type: none"> <li>- Negligible resource implications, these actions should already be resourced within Dudley Borough Council's existing budgetary commitments.</li> <li>* Low level resource implications, these actions should not involve significant additional use of resources, typically less than £10,000 and might involve such works as implementation of Article 4 Directions, revision of traffic regulations or provision of basic historic interpretation facilities.</li> <li>** Medium level resource implications, typically between £10,000 and £550,000 these would include localised projects such as interventions to preserve individual buildings or localised public realm improvement works.</li> <li>*** High level resource implications, typically greater than £500,000 and constituting major works such as a comprehensive public realm enhancement scheme or repairing and restoring a group of historic buildings.</li> </ul>
<b>Key to timescales</b>	
<b>I</b>	Immediate action: within one year
<b>M</b>	Medium term action: within three years
<b>L</b>	Long term action: within five years

## **13. Ongoing monitoring and review**

### **13.1 Quinquennial review**

This document should be reviewed every five years, in line with English Heritage policy and taking account of the emerging Local Development Framework and of the overarching need to ensure that both this appraisal and the management proposals remain up to date and continue to be accepted and acted upon by the local community.

The five year review should include the following:

- A survey of the conservation area and its boundaries;
- An assessment of whether the management proposals detailed in this document have been acted upon, including proposed enhancements;
- A Buildings At Risk survey;
- The production of a short report detailing the findings of the survey and proposed actions and amendments;
- Public consultation on the review findings, any proposed changes and input into the updated Management Proposals.

Additionally, properties affected by Article 4 Direction controls should be re-surveyed within four years of the direction coming into force to ensure that enforcement action can if necessary be taken against any alterations that have been made without requisite permissions having been granted.

# 14. Urban Design Guidelines

## 14.1 Introduction

As part of Area Action Plan preparation the Brierley Hill Urban Historic Landscape Characterisation study analysed ten Character Zones, including the areas of Brierley Hill High Street, Merry Hill and the Waterfront. It provided assessments of their architectural and historic interest, landscape considerations, and features that are neutral or negative. The sensitivity of each zone to the impact of development and the opportunities that development may present were also assessed.

The specific issues set out below should be considered alongside the following principles.

## 14.2 General Aims

All development proposals affecting elements of the historic environment, as identified in the Brierley Hill Urban Historic Landscape Characterisation, should reinforce the historic character by:

- Using, or reinstating the historic street pattern where one exists
- Building to a compatible scale that re-unites existing buildings into a cohesive townscape
- Building to the perimeter of street blocks
- Establishing a high quality of architecture that relates well to historic contexts
- Promoting the full use of buildings through a mixed use economy
- Reducing the impact of traffic, particularly on pedestrian movement
- Establishing a high quality of hard landscaping and, where appropriate, planting

## 14.3 Specific Issues

### Distinctiveness

- The gateways into the town centre at Church Street, Bank Street/ Level Street, Mill Street and Moor Street should be themed in order to establish the individuality of the town
- An identification signage strategy should be developed to co-ordinate signs and street furniture throughout the town making use of new technologies for lighting and information systems

### Historic buildings

- Every effort should be made to secure productive uses for all buildings identified as 'positive' in the characterisation

- It follows that proposals to demolish these buildings should be resisted unless it can be convincingly demonstrated that there is no economic case for retention or that the proposed replacement would be an enhancement
- Repairs should be carried out using traditional materials, methods and detailing
- Historic shop fronts should be repaired and reinstated where evidence survives
- External funding towards repair costs should be sought from the Heritage Lottery Fund's THI programme or English Heritage's Heritage Economic Regeneration Scheme, or a scheme of the Council's own using money from S106 agreements.

### **New buildings**

- While quality is a general requirement, there are clearly different expectations for the relatively utilitarian buildings of the commercial areas and for the predominantly historic areas. This distinction must be maintained so that the historic areas are enhanced
- New buildings in historic contexts should generally be no more than 2-3 storeys
- They should acknowledge the rhythm of historical plot widths
- There is a presumption in favour of brick facades with pitched roofs of blue slate
- Fenestration should acknowledge the prevailing proportions of openings, the ratio of solid-to-void and bay widths
- Colour should be used sparingly
- Shop fronts should be designed with a view to quality and the enhancement of the whole townscape
- Opportunities should be sought to remodel existing 'dead' frontages, such as those of the Moor Street Shopping Centre and the bingo hall providing engagement with the street

### **The Dudley Canal**

- Opportunities should be sought to provide public access to the west and north side of the canal
- New buildings in the vicinity of the canal should address the waterside with active frontages

### **Linkage**

- Permeability between the town centre and the commercial development to the east should be improved by restoring the street pattern and providing pedestrian links

- New building should follow a gradient of height and massing to provide a transition between the scale of the town centre and that of the commercial areas

## **Open space**

- Modern thinking should be applied to the layout of highways in order to narrow carriageways, reduce the 'road-take' of junctions, widen pavements, and promote pedestrian movement
- Opportunities should be taken to reduce street clutter by rationalising signage to a necessary minimum and removing redundant street furniture and guard rails
- A high quality should be sought in surfacing materials and other hard landscaping
- Much more could be made of the public open space in front of the Civic Hall and Police Station by providing frontage activity, hard surfaces and planting
- A new public space could be created on Cottage Street linking to the back of the Market Hall
- There are extensive opportunities for enhancing spaces related to the canal that are currently blighted by scrub and the remains of buildings and engineering works
- Public open spaces should provide the focus for sculptural installations and for interpretation of Brierley Hill's rich history
- Important views from the Brierley Hill plateau to the west, south and east should be preserved in any new development

## 15. Bibliography

- CABE – Buildings and Spaces; Why design matters - 2007
- Departments of National Heritage and Environment - Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15) - September 1994
- Departments of National Heritage and Environment - Planning Policy Guidance Note 16: Archaeology and Planning (PPG16) - 1990
- Department for Transport – Manual for Streets - 2006
- Dudley MBC – Historic Environment (SPD) - 2006
- Dudley MBC – Unitary Development Plan - 2005
- English Heritage and CABE – Building in Context: New development in historic areas - 2002
- English Heritage - Guidance on Conservation Area Appraisals - February 2006
- English Heritage - Guidance on the Management of Conservation Areas - 2006
- English Heritage – Streets for All – West Midlands - 2005
- English Partnerships – The Urban Design Compendium - 2007
- Ordnance Survey - Maps - 1883, 1903 and 1919
- Pevsner, N - The Buildings of England: Staffordshire - Penguin - 1974

## 16. Useful Addresses

For information on listed buildings and conservation areas in Dudley:

- Historic Environment Team  
Planning and Environmental Health  
**Dudley Metropolitan Borough Council**  
3 St James's Road  
Dudley  
West Midlands  
DY1 1HZ  
01384 814190/40/68/91  
[www.dudley.gov.uk](http://www.dudley.gov.uk)

For further information relating to listed buildings and conservation areas:

- **English Heritage**  
1 Waterhouse Square,  
138-142 Holborn,  
London EC1  
General enquiries: 020 7973 3000 Customer Services: 020 7973 4916  
[www.english-heritage.org.uk](http://www.english-heritage.org.uk)
- **English Heritage – West Midlands Region**  
8th Floor  
The Axis  
10 Holliday Street  
Birmingham  
B1 1TG  
Tel: 0121 625 6820

For further advice:

- **Ancient Monuments Society**  
St Ann's Vestry Hall  
2 Church Entry  
London  
EC4V 5HB  
Tel: 020 7236 3934  
[www.ancientmonumentsociety.org.uk](http://www.ancientmonumentsociety.org.uk)
- **The Society for the Protection of Ancient Buildings (SPAB)**  
37 Spital Square  
London  
E1 6DY  
Tel: 020 7377 1644  
[www.spab.org.uk](http://www.spab.org.uk)
- **The Georgian Group**  
6 Fitzroy Square  
London  
W1T 5DX  
Tel: 020 75298920  
[www.georgiangroup.org.uk](http://www.georgiangroup.org.uk)

- **The Victorian Society**  
1 Priory Gardens  
Bedford Park  
London  
W4 1TT  
Tel: 020 8994 1019  
[www.victorian-society.org.uk](http://www.victorian-society.org.uk)
- **The Twentieth Century Society**  
70 Cowcross Street  
London  
EC1M 6EJ  
Tel: 020 7250 3857  
[www.c20society.org.uk](http://www.c20society.org.uk)
- **The Garden History Society**  
70 Cowcross Street  
London  
EC1M 6EJ  
Tel: 020 7608 2409  
[www.gardenhistorysociety.org.uk](http://www.gardenhistorysociety.org.uk)
- **Civic Trust Essex Hall**  
1-6 Essex Street  
London  
WC2R 3HU  
Tel 020 7539 7900  
[www.civictrust.org.uk](http://www.civictrust.org.uk)

## 17. Acknowledgements

The Brierley Hill High Street Character Appraisal and Management Proposals were produced by The Conservation Studio, in conjunction with Dudley MBC's Historic Environment Team.

- **The Conservation Studio**  
1 Querns Lane  
Cirencester  
Gloucestershire  
GL7 1RL  
  
(Tel) 01285 642 428  
(Fax) 01285 642 488  
  
[www.theconservationstudio.co.uk](http://www.theconservationstudio.co.uk)  
[info@theconservationstudio.co.uk](mailto:info@theconservationstudio.co.uk)

Intentionally blank