

DLP24

Support in principle for the overarching provisions of Draft Policy DLP24 which note that the priority for Dudley's Centres (including Brierley Hill Strategic Centre) is to ensure that they remain focused on serving the needs of their communities while enabling centres to repurpose and diversify by providing a well-balanced mix of commercial, business and service functions. This includes both retail provision and a mix of leisure, office, residential and other appropriate, complementary town centre uses that are accessible by a variety of sustainable means of transport.

Notwithstanding the above, we note that the supporting plan to this policy (i.e. the plan shown within the consultation document at Page 164) is not the correct plan. We assume it is intended to be Figure 10.1 to which Draft Policy DLP24 refers. The plan provided under the heading 'Spatial Strategy Plan: Dudley Borough Centres' instead appears to be a key diagram of existing transport and movement. We reserve the right to comment on a revised plan (or the correct version of Figure 10.1) in due course.

Finally, we would query the wording of the fifth and sixth bullets of the draft policy which in the context of the main part of the Merry Hill Shopping Centre complex, which comprises of two levels, is somewhat ambiguous and could lead to mis-interpretation.

Indeed, the ground and upper floors of this part of the Brierley Hill Strategic Centre (a Tier 1 Centre) do not perform in the same way that a traditional town centre would. To control uses in this way (i.e. Use Class E at the lower level and wider uses on the upper floor) has the potential impact on the ability of the owners of the Centre to adapt and respond to market demand in the interests of its valued customer base.

In reality, and whilst the primary focus of the Centre will be retail for many years to come, both the ground and upper floors lend themselves well to the provision of a wider mix of uses (where such uses (including main town centre uses falling outside of Use E) which enhance the viability of the wider Strategic Centre and Merry Hill complex. The fact that the Centre is in one single ownership also allows the mix of uses to be managed in such a way that promotes and enhances its vitality without leading to the types of impacts usually attributed to certain non-E Class town centre uses (e.g. anti-social behavior, littering, noise).

Based on the above, we would argue that the ground and upper floors of the Merry Hill Shopping Centre should both be allowed to diversify beyond that of an E Class use where demand is identified and such uses are appropriate to its designated town / strategic centre status. Such an approach would allow the Centre to adapt to the ever evolving retail market as well as accommodate new and existing, town centre appropriate uses, that are not necessarily covered by Use Class E but which drive footfall and enhance the vitality of the Centre in the same way that a traditional retail / Class E Use would.

The above approach would also align better with Bullet 3 of draft Policy DLPBH1 which notes that the diversification and re-purposing of Brierley Hill Strategic Centre will be supported by approving development which enhances the viability and vitality of the centre.

We would be happy to discuss the above with officers and define suitable wording in due course.