

PLANNING APPLICATION NUMBER:P08/0421

Type of approval sought	Full Planning Permission
Ward	WOLLASTON & STOURBRIDGE TOWN
Applicant	Quadrant Land Partnership
Location:	ROLLING MILLS SITE, BRADLEY ROAD, STOURBRIDGE, WEST MIDLANDS
Proposal	RESIDENTIAL DEVELOPMENT OF 86 DWELLINGS AND ASSOCIATED PARKING
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. This is a largely vacant 1.7 hectare former industrial site situated on the edge of Stourbridge Town Centre. The site is bounded by residential properties on Bradley Road to the south and the Stourbridge Canal to the north. Pedestrian access to the town centre is gained via an underpass at the end of Bradley Road to the south-east of the site. The canal separates the site from another industrial area further to the north. To the east and west are a number of industrial and commercial premises. There are buildings of historic interest in the immediate vicinity of the site, including the Bonded Warehouse which is Grade II listed. These buildings are accessed from Canal Street which separates the site from the canal. On the site's northern boundary there is an existing two storey vacant building of domestic scale, facing Canal Street.

2. The River Stour runs through the site. Approximately one-third of the site, in the area between the river and Canal Street, lies within Stourbridge Branch Canal (Canal Street) Conservation Area. The Stourbridge Canal Site of Local Importance to Nature Conservation (SLINC) also runs through the site.

PROPOSAL

3. Permission is sought for the erection of 86no. residential units at the site, in the form of 52no. 1 and 2-bed apartments ranging from two storeys to six storeys high and 34no. houses of 2, 2.5 and 3 storey height. All of the apartments, except for one block, are to be located in the northern half of the site between the River Stour and Canal Street. (and within the Conservation Area). The existing two storey building within this part of the site is to be retained and refurbished as a 1-bed apartment. The remaining apartment block is to be sited in the south-eastern corner of the site. Railings are to be provided along the northern boundary to separate the site from Canal Street. Small pockets of landscaping are proposed to be used as amenity space for occupants of the apartments. 62no. parking spaces are to be provided for the apartments, and new tree planting is proposed.
4. All of the proposed houses are to be located in the southern half of the site, between the river and Bradley Road. A variety of house types are proposed (detached, semi-detached and terraced), each with a rear garden. Parking is provided in the form of parking courtyards, with a total of 67 spaces overall. The houses fronting Bradley Road are set back 5 metres into the site, as there is a sewage easement line within the site where no building construction is allowed. It is proposed to retain the existing trees along the site's southern boundary along Bradley Road, and to supplement this tree belt with new planting. Some of the existing trees along the river and canal frontages will be removed as part of the proposed development works in these parts of the site, and again replacement tree planting will take place.
5. Four vehicular access points are to be created off Bradley Road, three of which will provide access to the parking areas for the house and the other to provide access to the apartments. A new shared surface bridge over the River Stour is to be created to provide access to the northern half of the site. New pedestrian links within the site will provide access to Canal Street and Bradley Road.

6. The application is accompanied by the following information:

- A ground investigation report;
- An archaeological appraisal;
- An air quality assessment;
- A report on the existing noise climate;
- A tree survey;
- An ecological appraisal;
- A flood risk assessment;
- A transportation issues technical note;
- A statement in respect of affordable housing provision.

The conclusions of each of the above surveys/reports are set out below:

a) Ground Investigation

A detailed intrusive site investigation to determine the extent of land contamination and the formulation and implementation of appropriate remedial measures is recommended.

b) Archaeological Appraisal

The redevelopment of the site may potentially disturb archaeological features and deposits relating to the early phases of the Rolling Mills site. As such a programme of archaeological observation and salvage recording during groundworks is recommended.

c) Air Quality Assessment

Changes in traffic volumes in the area resulting from the development will have an insignificant impact on existing air quality. In addition there are no industrial sources in the vicinity of the site which could potentially have any significant impact on air quality at the site itself.

d) Noise Climate

An apartment-type building of a minimum of three storeys should be located along the eastern site boundary, to 'block' noise from adjacent industrial premises. All habitable rooms windows to this building should be located on its west elevation, and all windows on the eastern elevation should be provided with trickle vents.

e) Tree survey

The majority of trees at the site are along its perimeter and are generally of average quality – these trees are worthy of retention as a screen to houses opposite rather than being of individual quality. The trees to the banks of the river are of varying condition and quality and are unlikely to be retained during redevelopment. The report sets out appropriate management actions.

f) Ecological Appraisal

No legally protected plant species were recorded within the site. The most valuable habitat along the River Stour will be retained and managed within the development. Trees present within the site will also be retained and managed. The site provides no roosting opportunities for bats. Nesting opportunities for birds should be included in the design of any proposed river enhancement. Further surveys will be undertaken for bats, otters and water voles prior to construction and mitigation measures implemented as appropriate. Based on survey information and the implementation of specific mitigation measures the development will result in negligible residual impacts.

g) Flood Risk Assessment

The majority of the site lies within a 1 in 100 year floodplain. The proposed development is classified as Flood Zone 3a, High Risk. Redevelopment and restoration of the river channel will alter flood hydraulics within and around the site. Following redevelopment the 1 in 100 year flood flow will be confined to the restored

river channel within the site boundary, and will give rise to reduced peak flood levels upstream of the site and 'nil detriment' in terms of its impact upon downstream water levels.

Redevelopment of the site will result in the total culverted length within the site being reduced by approximately 40 metres. The proposed channel restoration strategy involves the removal of derelict industrial infrastructure and the inclusion of a maintenance easement to facilitate improved access to the watercourse. The precise details of the restoration strategy will be developed with the Environment Agency.

The redevelopment will also reduce the amount of impermeable areas with a corresponding increase in permeable (landscaped) areas, thereby contributing to a reduction in storm water run-off. There will be a reduction in the amount of built footprint within the 100 year floodplain.

h) Transportation Issues

A Transport Assessment was submitted with the previous outline application for this site. On the basis that permission was granted for that proposal, and because this proposed development involves a lesser number of units than previously approved, it is considered unnecessary to provide further transport information as this development would result in a lower level of trip generation.

i) Affordable housing

It is proposed that 5% of the dwellings should be affordable, instead of the normal 30% UDP requirement. This is on the basis that the majority of housing in the surrounding area is social rented and smaller general market housing and therefore the amount of affordable housing to be delivered should be limited. In addition a submitted financial appraisal demonstrates that the site is subject to exceptional costs above those normally encountered, and the provision of 30% affordable housing would make the scheme unviable.

7. An appeal has been lodged against non-determination of this application, on the grounds that the Council has failed to determine the application within the statutory 13-week time period. The appeal will be heard at a public inquiry. The lodging of the appeal effectively prevents the Council from making a formal determination on the application. Committee is requested to consider this report and to determine the application as it would have done before the lodging of the appeal prevented it from doing so.

HISTORY.

8. Application P05/2527 sought outline consent for residential development of this site, with all matters of detail being reserved for subsequent approval. The application was reported to Committee in July 2006. Members resolved to grant permission subject to a Section 106 Agreement for a contribution to on-site recreational public open space provision, off-site provision of children's play facilities, affordable housing, and improvements to the canal. The Agreement has not yet been signed and therefore the application remains undetermined.

PUBLIC CONSULTATION

9. A petition of support for the proposal has been received, signed by the occupants of 18 properties on Bradley Road, Turney Road, Shenstone Avenue and Wallows Road. Support is given on the basis that the area is an 'eyesore' which suffers from anti-social behaviour problems, and that the development would improve the appearance of the River Stour and the Stourbridge Canal, provide 'much needed' recreation areas, and would enhance the town by encouraging tourism around the Canal Street area.
10. The occupant of a property on Stourbridge Road, Hagley, objects to the development on the following grounds:
 - Development of the scale proposed will adversely affect the setting of the adjacent Foster & Rastrick listed building;

- The layout of the site and scale and design of the buildings does not relate well to the adjacent canal

11. Lynda Waltho MP has expressed support for the objections received from the Staffordshire and Worcestershire Canal Society and the Stourbridge Navigation Trust (summarized in the 'Other Consultation' section below).

OTHER CONSULTATION

12. Stourbridge Navigation Trust Ltd

- The height and proximity of the proposed buildings to the canal would impact upon the quality of the Conservation Area and would reduce available light to the Trust's boat moorings;
- The development would have a negative impact upon the tourism potential of this 'waterway entrance' to the town centre;
- No vehicular traffic should be allowed to use Canal Street, either during development works or after;
- The Flood Risk Assessment is dated 2006 and takes no account of recent flooding patterns.

English Heritage

- No objection.

Staffordshire & Worcestershire Canal Society

- The height and proximity of the buildings to the canal would seriously impact upon the quality of the canal-side Conservation Area;
- Buildings of the proposed height would cause a 'wind tunnel' effect along the adjacent section of canal, resulting in safety problems for boats navigating up to the Bonded Warehouse;

- The development would reduce natural light available to this section of the canal;
- The development would harm the tourism potential of Stourbridge.

Environment Agency

- No objection in principle, provided that the site has been allocated for this type of development and that the authority consider that it is not possible for the development to be located in a zone with a lower probability of flooding. The submitted Flood Risk Assessment demonstrates that the development will be safe, without increasing flood risk elsewhere. It is considered that redevelopment of the site can deliver improvements in terms of both flood risk and biodiversity as the Rolling Mills factory was built over the River Stour in this location. Should permission be granted it is recommended that relevant conditions relating to flood risk are imposed.

British Waterways

- Several points raised in relation to land ownership issues only. None of the comments made raise matters which are material considerations in the determination of the application.

West Midlands Historic Buildings Trust

- The contemporary design of the apartment blocks fronting the canal could make a positive architectural contribution, and they correctly present main frontages to the water. However the proposed six storey block may unduly overshadow the waterway, possibly to the detriment of its amenities.

Inland Waterways Association

- The height of the proposed apartment buildings will detrimentally affect the setting of the canal side historic buildings and the Conservation Area, block

out the sun thereby increasing risk of icing up of the canal, result in a loss of light to residential boats, and will create a wind tunnel.

- The design of the proposed buildings is unsympathetic towards the canal and the setting of the Conservation Area.

Group Engineer (Development)

- The proposed development will generate significantly lower levels of traffic than the previous warehouse use of the site and therefore no transport infrastructure contribution is required.
- The development requires the provision of 156 car parking spaces and 49 cycle parking spaces;
- Amendments should be made to the site layout to ensure that the site can satisfactorily accommodate the required number of parking spaces and vehicle manoeuvring areas;
- A number of parking spaces are remote from the dwellings, and therefore changes to the layout should be made to the layout so that the spaces are overlooked by dwellings to ensure their safety;
- A 'Safer Routes to School' study should be submitted as the development will result in an increased number of children in the area;
- Notwithstanding the applicant's proposals to improve pedestrian links in and around the site, a contribution should be sought for an alternative 'gateway' from the site to Lower High Street.

Head of Environmental Health & Trading Standards

- The industrial premises to the east of the site is a source of high noise levels and is likely to lead to complaints from future occupants of the site unless significant mitigation measures are taken to prevent potential noise impacts;
- The recommendations of the applicant's noise survey should be incorporated into the layout of the scheme to ensure that potential noise impacts are kept to a minimum. The apartment block most likely to be affected by noise, block 1, should be redesigned so that all habitable rooms are on the western

elevation only, with non-habitable rooms on the eastern elevation facing the industrial premises;

- The ground investigation report has been submitted in a form which makes it difficult for Officers to properly review. A paper version has been requested from the applicant, however at the time of producing this report none had been submitted.

RELEVANT POLICIES

13. In consideration of this planning application, the starting point is the development plan for the Borough. Section 38 (6) of the Planning and Compulsory Purchase Act states that any determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 38 (3) of the Act states that the 'development plan' is the Regional Spatial Strategy for the region in which the area is situated and the development plan documents which have been adopted or approved in relation to that area (in Dudley's case the adopted Unitary Development Plan).

UDP Policies

- Policy S2 (Creating A More Sustainable Borough);
- Policy DD1 (Urban Design);
- Policy DD6 (Access and Transportation Infrastructure);
- Policy DD7 (Planning Obligations);
- Policy DD8 (Provision of Open Space, Sport and Recreation Facilities);
- Policy DD10 (Nature Conservation and Development);
- Policy DD11 (Water Courses)
- Policy UR9 (Contaminated Land);
- Policy STC2(XVI) Stourbridge Block 16: Canalside
- Policy AM12 (Pedestrians);
- Policy H3 (Housing Assessment Criteria);
- Policy H4 (Housing Mix);

- Policy H5 (Affordable Housing);
- Policy H6 (Housing Density);
- Policy NC5 (Sites of Local Importance for Nature Conservation);
- Policy NC6 (Wildlife Species);
- Policy HE4 (Conservation Areas);
- Policy HE6 (Listed Buildings);
- Policy HE7 (Canals);
- Policy HE8 (Archaeology and Information);
- Policy S02 (Linear Open Space);
- Policy EP4 (Development In Floodplains);
- Policy EP5 (Air Quality)
- Policy EP7 (Noise Pollution)

Supplementary Planning Guidance/Documents

- Stourbridge Branch Canal Conservation Area Character Appraisal;
- Affordable Housing;
- Historic Environment;
- New Housing Development;
- Open Space, Sport & Recreation;
- Parking Standards;
- Nature Conservation;
- Planning Obligations.

National Planning Policy

- PPS1 (Delivering Sustainable Development)
- PPS3 (Housing);
- PPS 9 (Biodiversity and Geological Conservation);
- PPG15 (Planning and the Historic Environment);
- PPS25 (Planning & Flood Risk)

ASSESSMENT

14. Key Issues

- Principle;
- Density;
- Accessibility;
- Highways/parking issues;
- Contamination;
- Flood risk;
- Noise;
- Air quality;
- Impact on the Conservation Area, listed building and canal;
- Archaeology;
- Wildlife issues;
- Effects of the development on the River Stour;
- Provision of open space;
- Affordable housing;
- Planning Obligations.

Principle

15. The site falls within Block 16 'Canalside' of Stourbridge Town Centre (Policy STC2(XVI) of the UDP applies). Residential development within the area is considered to be acceptable in principle. Block 16 is identified as being a unique historical area, which includes the Stourbridge Branch Canal Conservation Area and the Bonded Warehouse. The area suffers from being isolated from the town centre and therefore needs to be better linked to it, both to add to and to benefit from its planned revitalisation. The River Stour is hidden from view by the existing buildings in the area and needs to be opened up and exploited as a feature. Redevelopment of this site would also be consistent with the aim of Policy HE7 of the UDP which is to improve the recreational, historic, environmental and nature conservation value of the canal network.

16. Policy S2 of the UDP states that all development will be expected to contribute to the creation of a more sustainable borough, specifically by promoting the regeneration and reuse of derelict, vacant and underused land for beneficial use. PPS3 provides guidance on a range of issues relating to the provision of housing. The guidance identifies that sustainable patterns of development can be achieved by concentrating most additional housing development within urban areas, making more efficient use of land by maximising the re-use of previously developed land, thereby promoting regeneration and minimising the amount of Greenfield land being taken for development. The reuse of this former industrial site for residential purposes is clearly in accordance with this aspect of PPS3 advice and the aims of Policy S2.

Density

17. The development has a density of 51 dwellings per hectare. The Regional Spatial Strategy requires that urban locations should support a significant increase in overall housing densities. Policy H6 of the UDP states that residential development will be encouraged to achieve the highest possible density taking into account factors including the requirement to make full and efficient use of land, the local context and the walkable proximity of sites to centres, public transport corridors and public transport interchanges. The proposed density of development at this edge-of-centre site is therefore considered to be acceptable. This proposal is also in compliance with Policy H4 which requires that developments of 20 dwellings or more should provide a mix and balance of dwelling types and sizes to cater for a range of household needs.
18. Policy H3 of the UDP sets out the following criteria against which the suitability of a residential proposal should be assessed:
- a) The re-use of vacant or underused sites that are not allocated or required for another use

As already identified, the proposal involves the re-use for residential purposes of vacant land. The site, although previously in industrial use, is no needed longer for that purpose and therefore alternative land uses can legitimately be considered.

b) Accessibility in relation to public transport, cycling and walking or the potential to enhance such provision and provide the necessary linkages to provide these.

The site is located on the edge of Stourbridge Town Centre and is therefore well served by public transport and within walking distance of the main shopping area of the centre. Canal Street is designated in the UDP as a cycleway.

c) Availability of capacity within existing infrastructure or the potential to improve infrastructure to accommodate new development

For the purposes of the previous outline application at the site, a Transport Assessment was submitted which concluded that the levels of traffic generated by the proposed development could satisfactorily be accommodated on the local road network. The Group Engineer advised that the principle of residential development was acceptable, subject to access from Canal Street being prohibited (as it cannot accommodate the volume of traffic likely to be generated by the development).

Parking provision for the houses is in accordance with the standards set out in the Parking Standards SPD. With regard to the apartments, the SPD requires the provision of a maximum of 97 spaces. 62 spaces are proposed, at a ratio of 1.2 spaces per apartment. This level of parking is acceptable in this case given that the density of development is considered to be appropriate, car ownership amongst occupants of apartments is likely to be relatively low in comparison to houses with a similar number of bedrooms, and that the site is in a sustainable location readily accessible by non-car methods of transport.

Policy DD6 of the UDP requires that all development should be appropriate in scale to the existing transportation infrastructure of the wider area and make adequate and safe provision for access and egress by vehicles, pedestrians and other road

users. Should permission be granted it is considered that a condition should be imposed seeking the submission of plans showing an amended site layout incorporating the changes to the parking areas requested by the Group Engineer.

d) Ability to contain physical and environmental impacts, including flood risk and contamination, to an acceptable level

Policy UR9 of the UDP states that where it is suspected that land is contaminated the Council will require planning applications to be accompanied by sufficient information to determine the remediation required in relation to the proposed land use. The applicant's ground investigation report identifies that past industrial activities at the site may have resulted in contamination. Should permission be granted it is recommended that a detailed site investigation be submitted to determine the extent of contamination and the formulation and implementation of appropriate remedial measures.

Policy EP4 advises that development will not be permitted in floodplains unless appropriate mitigation measures can be incorporated into the development proposal. PPS25 sets out an 'exception test' against which all development within flood zones should be assessed to determine whether the proposal is acceptable in principle. For the test to be passed it must be demonstrated that:

- a. the development provides wider sustainability benefits to the community that outweigh flood risks;
- b. the development is on previously-developed land;
- c. the flood risk assessment shows that the development will be safe, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

With regard to criteria (a) and (b) it is considered that the proposal does pass the test for the reasons set out in paragraph 16 above. In respect of criteria (c) the submitted Flood Risk Assessment demonstrates that the development can proceed without creating an unacceptable flood risk either to future occupants or elsewhere.

Should permission be granted it is recommended that the conditions relating to flood risk recommended by the Environment Agency should be imposed.

Policy EP7 of the UDP requires new development subject to high noise levels to include measures to reduce noise intrusion to an acceptable level. The applicant's Noise Climate Report identifies that industrial premises to the east of the site generates noise levels undesirable to residential amenity. The Head of Environmental Protection has expressed concern about potential disturbance to future occupants from noisy activities emanating from this industrial unit. It is critical therefore that, should permission be granted, amended plans are sought by condition showing a change to the internal layout of rooms in Block 1 as recommended in the report and by the Head of Environmental Protection. The development should also take place in accordance with all of the other recommendations set out in the report to ensure that the site is developable with regard to potential noise impacts from external sources.

The applicant's Air Quality Assessment indicates that the site has an acceptable air quality standard. The proposal would not therefore conflict with Policy EP5 which states the development will not normally be permitted if it will hinder or harm the achievement of national air quality objectives.

e) Accessibility of local services and employment opportunities by modes of transport other than the car

The development provides housing in close proximity to, and with good non-car linkages with, the Stourbridge Town Centre. This will help to support services, businesses and facilities within the Centre, and will help to stimulate its regeneration.

f) Ability of the development to avoid creation of unacceptable levels of conflict with existing site, or neighbouring uses or environmental attributes, including nature conservation, building conservation or amenity considerations

The site lies within a Conservation Area and has listed buildings within the immediate vicinity (Policies HE4 and HE6 of the UDP apply). The aim of Policy HE4 is to safeguard and seek to enhance Conservation Areas (similar to the advice set out in PPG15), whilst Policy HE6 requires that new developments should not cause harm to the setting of listed buildings.

The Stourbridge Branch Canal (Canal Street) Conservation Area Character Appraisal advises that' *careful consideration will need to be given to the treatment, height, scale massing, form and quality of future development.....within the canal conservation areas.....(and).....to avoiding the creation of unduly dominant development in such places, where otherwise local distinctiveness and character could be eroded*".

UDP Policy HE7 specifically states that development should "*front onto the waterway*" and also adhere to the guidance contained in the adopted Strategy for Dudley's Canals. The latter document emphasises that car parking should be contained within developments to avoid a street/canal frontage being dominated by cars. The Strategy advises that "*canalside buildings should be designed to a scale, form, density and quality which reflect a canalside locality*" and goes on to say that "*development which dwarfs neighbouring buildings is not often a good solution*".

The current proposal does not respond to these various requirements effectively and as a result it is considered that its' implementation in its' proposed form would have a negative impact upon the character of the Conservation Area. It is understood that the perceived need to accommodate the River Stour within an expanded channel and a major sewer easement combine to restrict the area that can be built upon. This lack of developable footprint would appear to be the design driver leading to the need to develop at storey heights that are inappropriate and have no precedent either within or around the conservation area. The need to accommodate car parking at the front of the site on the canalside also appears to be a response to constraints upon space rather than being justifiable in design terms. In combination this approach presents a canalside frontage that is discontinuous and out of scale and that does not address the canalside positively

but appears “gappy” whilst providing extensive views from the canal into areas of car parking.

The development also has an obvious physical and functional relationship with the former canal wharf sitting directly in front of the site, but fails to address it properly. The applicants identify it as a “key space” but no proposals or suggestions are put forward by the applicant as to how that historic wharf can be enhanced and integrated with the new development and into the existing cobbled surfacing of Canal Street alongside the Bonded Warehouse. Simply to maintain the status quo would lead to an extremely incongruous setting for the new build that would harm the overall quality of the scheme and as a result would lead to a negative impact upon the character and appearance of the conservation area.

The proposed development would also be over dominant in relation to views along the eastern section of Canal Street that currently “reads” as an historic street fronted by listed historic buildings of a relatively modest scale. Should the development proceed at the proposed building heights an observer’s eye would instead be drawn to a six storey modern edifice, to the detriment of a proper appreciation of the historic canalside character here and the setting of the listed buildings contrary to policies HE4 and HE6.

The proposal to retain and refurbish the lone historic building that survives at this location is to be welcomed. However, the proposed new build that would sit directly adjacent to it bears no relationship to the historic building in scale, massing or in terms of design. Ideally the scale, massing and sense of enclosure offered by the historic buildings on Canal Street would be carried through in a complementary design idiom at least up to the retained structure. This could be capable of emphasising the former prestige of the historic building, rather than diminishing its’ status as the current scheme would do through being excessively dominant and overbearing. The actual impact in relation to the physical juxtaposition of new build with the historic structure is difficult to properly assess due to the “sketch scheme” nature of the application which offers very little detailed information in this respect.

The proposals, in respect of the building heights proposed and the proposed site layout, adversely affect the setting of the Grade II statutorily listed Bonded Warehouse building and the locally listed Canal Company Offices, both located on Canal Street. However, in its' current form the proposal fails in my view to either preserve or enhance the character and appearance of the Conservation Area but rather would cause harm and I recommend that it is refused.

The site's frontage to Canal Street should make a significant contribution to the public realm in this key area of Stourbridge. However in terms of the site layout, the relationship of the proposed development to the Canal Street frontage is poor. The proposed siting of parking spaces along the northern boundary would create an unattractive view of the site when viewed from Canal Street, exacerbated by the fact that the spaces would be set behind railings with no landscaping proposed to 'soften' the visual impact.

In terms of policy advice relevant to design issues, Policy DD1 of the UDP requires that all new development should make a positive contribution to the character and appearance of an area, whilst the New Housing Development SPD advises that local character and distinctiveness should be paramount in the formulation of design proposals for new developments and that poor design should be rejected. PPS1 advises that good design is a key element in achieving sustainable development, and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted. PPS3 requires that new housing developments should be well integrated with neighbouring buildings and the local area in terms of scale, density and layout, and should create or enhance a distinctive character that relates well to the surrounding area and supports a sense of local pride and civic identity.

A contemporary approach has been taken towards the design of the proposed houses, which is considered to be appropriate in the context of existing housing along Bradley Road which is of no particular significant architectural merit.

The site potentially contains archaeological features and deposits relating to the early phases of the Stourbridge Rolling Mills. The applicant's archaeological

appraisal (submitted in accordance with the requirements of Policy HE8 of the UDP) recommends that a 'watching brief' during groundworks is therefore carried out as an appropriate mitigation strategy.

19. The site is located on a key wildlife corridor for both the Borough and the Black Country and is within a SLINC. Several European Protected Species have been recorded in the area, including bat species and otters. Policy DD10 of the UDP states that the Council will ensure that the effects of development proposals on wildlife and geological features are taken into account in new development schemes. Policies NC5 and NC6, in addition to PPS9, require local authorities to maximise opportunities for biodiversity benefits in development proposals. The Nature Conservation SPD provides guidance on how nature conservation should be taken into account in the development control process, and advises that all development should make some contribution to the maintenance and enhancement of the natural heritage of the area.
20. The proposed opening up of the culverted stretches of the River Stour is in accordance with Policies DD11 and EP4 which require developments to maintain or enhance the quality and value for nature conservation of existing water courses and their floodplains, and to restore the open watercourse where a culverted watercourse exists on site. This part of Stourbridge suffers from poor environmental quality and the river, in particular, has suffered from past development. Local amenity would be improved by redevelopment of the site. Opening up the culverted areas would also help to deliver the benefits for biodiversity required by PPS9 in terms of improving habitat for a number of priority species and enhancing the connectivity of the Stour SLINC and wildlife corridor. This approach would be also be consistent with the aims of Policy S02 of the UDP which advises that where redevelopment occurs within Linear Open Space, the Council will look for opportunities to enhance its openness and wildlife corridor function.
21. The ecological reports submitted by the applicant are considered by the Council's Nature Conservation Officer as being out of date as, at the time of submission of the application, the field work was between three and four years old. This is important in that habitats and species distribution can change over time, and in addition relevant

policy, legislation and much best practice guidance on nature conservation issues has changed in the period of time between the field work and the submission of this planning application. In the absence of any up to date information relating to ecological issues, it is considered that the effect of the development on wildlife species cannot be fully assessed. As such the proposal conflicts with Policies DD10, NC5 and NC6 of the UDP, the Nature Conservation SPD, and the advice given in PPS9.

22. Policy DD8 of the UDP and the Planning Obligations SPD advise that new developments should provide for, or contribute to, recreation/open space facilities in line with the increase in users caused by the development. The site is poorly served and isolated in respect of existing, off-site readily accessible open space areas. Given the number of dwellings proposed for the site there would ordinarily be a requirement for on-site public open space provision in accordance with the requirements of Policy DD8 and the Planning Obligations SPD. In this case however it is considered more appropriate to provide the necessary open space required in connection with the development entirely offsite because a) the amount of site area actually available to develop is limited, constrained both by the need in policy terms to provide a high density of development and the area of the site taken up by the river and its bank and the sewer easement, and b) taking into account the shape of the site, the need to keep adequate distances from a play area to the river.
23. The development triggers the requirements for on-site affordable housing in accordance with Policy H5 of the UDP and the Affordable Housing SPD (the policy requires 30% of the dwellings to be affordable on sites of 1 hectare or more or 15 units or more). The Council's Strategic Surveyor has assessed the findings of the applicant's financial appraisal in respect of the proposal to provide only 5% affordable housing. The Surveyor has advised that as a result of the former industrial land uses and adjacent watercourses there are considerable development constraints, including the need for a 12m set back from both sides of the river, the costs of the proposed river channel works and the proposed bridge, remediation costs, and the costs of high quality building materials given the need to respect the character of the surrounding historical area. The Surveyor is of the opinion that as a

result of the development constraints affecting the scheme, and challenging market conditions affecting apartment and townhouse values, the scheme would not be viable with the provision of 30% affordable housing.

24. Policy DD7 of the UDP requires developers to enter into planning obligations where the Council considers it necessary to safeguard the local environment and/or compensate for additional burdens placed by the development on community facilities and infrastructure. Further detailed advice on the policy justification for seeking obligations is contained in the Planning Obligations SPD. In this case contributions towards the costs of the following would be required:

- off-site open space and childrens play areas;
- library improvements;
- affordable housing;
- canalside improvements (in accordance with the requirements of UDP Policies HE7 and NC5 and NC6)
- improvements to the existing pedestrian link via the underpass to the town centre (in accordance with UDP Policy AM12 which states that the Council will endeavour to maintain and enhance pedestrian facilities and seek contributions from developers in respect of, amongst other things, links between key land uses, services, facilities and public transport).

25. The Council has not received any formal written agreement from the applicant expressing a willingness in principle to enter into a legal agreement. This can be construed as a failure on the part of the applicant to indicate that they are prepared to contribute towards the costs of necessary infrastructure works, contrary to Policy DD7 and the Planning Obligations SPD.

CONCLUSION

26. The application constitutes the re-use for residential purposes of previously-developed, vacant land on the edge of a town centre, which with an appropriate form of layout and design would provide the opportunity to revitalise and regenerate

this part of the Borough. However the proposal as submitted is not acceptable for the following reasons:

- it would have an unacceptable adverse effect of the setting of a listed building and the Conservation Area by reason of its poor layout, and design and scale of the proposed apartment buildings;
- the information submitted in respect of nature conservation issues is out of date, and therefore Officers cannot properly assess the impact of the development on wildlife species;
- the applicant has failed to indicate any willingness to enter into a Section 106 Agreement to contribute towards the costs of necessary infrastructure improvements.

RECOMMENDATION

27. It is recommended that Committee resolves that had it had authority to determine this application, permission would have been refused for the following reasons:

Conditions and/or reasons:

1. The development would have a detrimental effect on the character of the Conservation Area and the Grade II listed Bonded Warehouse and as such the proposal is contrary to Policies HE4 and HE6 of the Unitary Development Plan.
2. The ecological reports submitted by the applicant are out of date as, at the time of submission of the application, the field work contained within them was between three and four years old. In the absence of any up to date information relating to ecological issues it is considered that the effect of the development on wildlife species cannot be fully assessed, as habitat and species distribution at and within the vicinity of the site may have changed in the intervening period. In addition relevant policy, legislation and much best practice guidance on nature conservation

issues has changed in the period of time between the field work and the submission of this planning application. As such the proposal conflicts with Policies DD10, NC5 and NC6 of the UDP, the Nature Conservation SPD, and the advice given in PPS9.

3. No agreement has been made by the applicant to the provision of a contribution towards off-site provision of public open space/play areas improvements, library improvements, affordable housing, canalside improvements, safer routes to school and improvements to existing pedestrian links to the town centre. The Local Planning Authority is therefore not satisfied that the necessary infrastructure improvements required in connection with the development would be provided. The proposal is therefore considered to be contrary to Policies DD7, DD8, AM12, H5, NC5, NC6 and HE7 of the UDP and the adopted Affordable Housing, Open Space & Recreation, Nature Conservation and Planning Obligations Supplementary Planning Documents.

ROLLING MILLS - STOURBRIDGE SITE LAYOUT



RPS Design

PROJECT

STOURBRIDGE ROLLING MILLS
15.12.2006
2007

2007
15.12.2006
2007

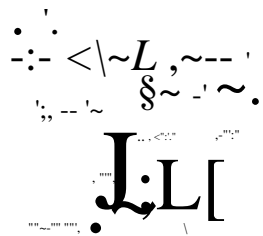
Urban Design

Highfield House, 1 Bridgeway
Oxford Business Park
Birmingham B3 1JL
T 0121 313 5500 F 0121 313 5501
rps@rpsgroup.com www.rpsgroup.com/design

HOUSES			TOTAL AREA		
TYPE	NO	AREA	TYPE	NO	AREA
TYPE 1	1	101.00	TYPE 1	1	101.00
TYPE 2	2	202.00	TYPE 2	2	202.00
TYPE 3	3	303.00	TYPE 3	3	303.00
TYPE 4	4	404.00	TYPE 4	4	404.00
TYPE 5	5	505.00	TYPE 5	5	505.00
TYPE 6	6	606.00	TYPE 6	6	606.00
TYPE 7	7	707.00	TYPE 7	7	707.00
TYPE 8	8	808.00	TYPE 8	8	808.00
TYPE 9	9	909.00	TYPE 9	9	909.00
TYPE 10	10	1010.00	TYPE 10	10	1010.00
TYPE 11	11	1111.00	TYPE 11	11	1111.00
TYPE 12	12	1212.00	TYPE 12	12	1212.00
TYPE 13	13	1313.00	TYPE 13	13	1313.00
TYPE 14	14	1414.00	TYPE 14	14	1414.00
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TYPE 23	23	2323.00	TYPE 23	23	2323.00
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Stourbridge Canal Wharf on behalf of Quadrant Land Partership

RPS



PLANS & ELEVATIONS

