

PLANNING APPLICATION NUMBER:P11/0107

Type of approval sought	Outline Planning Permission
Ward	Wollaston and Stourbridge Town
Applicant	Quadrant Land Partnership
Location:	LAND AT LOWNDES ROAD/BRADLEY ROAD, STOURBRIDGE, WEST MIDLANDS
Proposal	OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 80 DWELLINGS (ACCESS TO BE CONSIDERED WITH ALL OTHER MATTERS RESERVED) (RESUBMISSION OF REFUSED APPLICATION P06/0001)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS AND 106

SITE AND SURROUNDINGS

1. The application site is an irregular-shaped 6 hectare area of land that contains a variety of uses. Located centrally within the site is the former Foster and Rastrick building, a Grade II* listed building which has been refurbished and converted to a medical centre. To the west of this building is an industrial site (currently in operation) accessed from Bradley Road to the south. Bradley Road terminates in a cul-de-sac, at the end of which is a public footpath which connects to recreational land to the west. There is a 2m high retaining wall along the northern side of the footpath. The wall rises to a maximum height of approximately 3m within the industrial site.
2. On the southern side of Bradley Road and the footpath is a large area of vacant former industrial land and buildings which also has a frontage to Lowndes Road to the west. There is a heavily wooded embankment along the southern side of this part of the site. This land and the industrial site to the west of the medical centre are collectively referred to by the applicant as 'Zone 1'.

3. 'Zone 2' lies to the east of the medical centre and is currently occupied by a private fitness club and associated retail use in former industrial buildings. This part of the site has a long frontage to Bradley Road and there is an industrial unit directly opposite. Immediately adjacent to the east is the vacant former Rolling Mills site which has previously been given consent for residential development.
4. Zones 1 and 2 and the medical centre are bounded to the north by the River Stour which effectively splits the site in two. On the opposite side of the river is a large area of undeveloped land (Zone 3) containing mature vegetation and two designated heritage assets. Zone 3 is bounded by the Stourbridge Branch Canal and to the north by an area of woodland which separates it from the former Sunrise Medical site on Wollaston High Street which now has consent for residential redevelopment. Part of Zone 3 is to be provided as public open space in connection with the development at Sunrise Medical and any future approval for housing on the Rolling Mills site. The two heritage assets are located within the northern half of Zone 3 – these are a derelict building known as 'Riverside' and the walls to the former dry dock on Canal Street to the north, both of which are Grade II listed.
5. The site is situated approximately 0.75m to the north-west of Stourbridge town centre. Pedestrian access to the site from the town centre is via Bradley Road, with vehicular access to the wider area gained from Lowdnes Road. Zone 3 and the site of the medical centre lie within Stourbridge Canal (Canal Street) Conservation Area.

PROPOSAL

6. This is an outline application for the residential redevelopment of the site. All matters of detail are reserved for subsequent approval. An indicative masterplan has been submitted which shows the possible layout of a subsequent development, with 80 dwellings at a notional density of 30 dwellings per hectare.
7. The application is accompanied by the following information:
 - Design and Access Statement
 - Ground investigation reports;

- Archaeological appraisal;
- Air quality report;
- Noise assessment;
- Ecological appraisal;
- Flood Risk Assessment;
- Transport Statement;
- Statement in respect of affordable housing provision.

PLANNING HISTORY

8. Permission was granted for the conversion and extension of the Foster & Rastrick building in February 2010. The development is nearing completion. In 2010, residential development at the Rolling Mills site was approved, this permission was subsequently extended for a further three year time period in November 2013 and development has not yet commenced. Reserved matters approval for the redevelopment of the former Sunrise Medical site was granted in July 2013.

PUBLIC CONSULTATION

9. 77 neighbour notifications letters have been sent to the occupiers of neighbouring properties and site notices posted.
10. A letter has been received from Vee Bee Ltd, an industrial company to the north of the site located on the opposite side of the canal. The company requests that the implications for the development of potentially noisy activities at their premises are fully assessed, so that the development does not jeopardize its ability to continue to operate.

OTHER CONSULTATION

11. Head of Environmental Health and Trading Standards – No adverse comments in respect of the effect of residential development on air quality. A scheme should be

submitted (by condition) to deal with the contamination of the site from ground gases and vapours.

There are no objections to the proposal in terms of noise provided that the existing industrial premises at the site are vacated prior to any residential occupation of the remainder of the development site and that no noisy employment use recurs. In order to ensure that residential amenity is protected it is recommended that a condition is imposed requiring that prior to first residential occupation, all industrial and commercial activity on any part of the development site shall cease and no industrial or commercial activity shall take place on site thereafter for the lifetime of the development.

12. Group Engineer (Highways) – No objection.
13. CENTRO – A Travel Plan and Transport Statement should be provided to promote public transport, walking, cycling and car share. The developer should be required to make a financial contribution towards either upgrading the stop poles in the surrounding area to shelters or towards improvements to bus services in the area.
14. Canal Trust – Advises that it seeks funding from all new developments within and immediately adjacent to the canal corridor, where appropriate, towards improvement works in order to create an attractive, accessible and bio diverse canal corridor. In this case the development will encourage residents to use the canal towpath to access the open space, thus increasing footfall along the towpath and therefore requiring additional maintenance. To utilise the towpath for walking and cycling, the development warrants contributions for the resurfacing of the towpath and future maintenance of the towpath for canal corridor users travelling to and from the site. The resurfacing of the towpath should be undertaken between Coalbournbrook Bridge to the wharf area for a distance of 983m, the estimated cost of which is £155,000.

15. Natural England – No objection in principle. At the reserved matters stage the development will need to take into account provision for bats, otters and other protected species. Conditions should be imposed to secure all of the measures recommended in the applicant's ecological appraisal.
16. Birmingham and Black Country Wildlife Trust – Further assessment work should be carried out with regard to compensating and mitigating the impacts of the development on wildlife species, in addition to identifying proposals for biodiversity enhancements to be incorporated into the development.
17. English Heritage - The site has considerable industrial archaeological interest and potential because of its long industrial usage. There is no objection in principle to residential development of the site. The future of the listed buildings at the site should be addressed as part of the development and information provided as to how the archaeological potential of the land can be better recognized and exploited for community purposes.
18. Environment Agency (EA) – A Phase I geo-environmental desk study report has been carried out in order to assess potential pollution linkages between the site and the wider area. The report details the industrial heritage of the site and recommends a programme of intrusive site investigation to confirm the ground conditions on site and to allow for detailed risk assessment to be carried out. The EA agree with these proposals and recommend the imposition of conditions to ensure that the development does not pose an unacceptable risk to the wider environment.

In respect of flood risk, the EA is satisfied that the proposed development could be allowed in principle, however the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the development and third party land.

RELEVANT PLANNING POLICY

19. National Planning Policy

The National Planning Policy Framework (March 2012) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The Framework requires that the planning system should provide for the supply of housing required to meet the needs of future and present generations and the creation of a high quality built environment, and contribute to the protection and enhancement of the natural, built and historic environment.

Black Country Core Strategy (BCCS) 2011

- Spatial Objective 3;
- Policy CSP1 (The Growth Network);
- Policy CSP3 (Environmental Infrastructure);
- Policy CSP4 (Place Making);
- Policy DEL1 (Infrastructure Provision);
- Policy DEL2 (Managing the Balance between Employment Land and Housing);
- Policy HOU1 (Delivering Sustainable Housing Growth);
- Policy HOU2 (Housing Density, Type and Accessibility)
- Policy HOU3 (Delivering Affordable Housing);
- Policy TRAN 2 (Managing Transport Impacts of New Development);
- Policy TRAN4 (Creating Coherent Networks for Cycling and Walking);
- Policy ENV1 (Nature Conservation);
- Policy ENV2 (Historic Character and Local Distinctiveness);

- Policy ENV4 (Canals);
- Policy ENV5 (Flood Risk and Sustainable Drainage Systems);
- Policy ENV6 (Open Space, Sport and Recreation)
- Policy ENV8 (Air Quality)

Saved 2005 UDP Policies

- Policy DD4 (Development in Residential Areas)
- Policy DD10 (Nature Conservation and Development)
- Policy UR9 (Contaminated Land)
- Policy NC6 (Wildlife Species)
- Policy HE4 (Conservation Areas);
- Policy HE6 (Listed Buildings);
- Policy HE7 (Canals);
- Policy HE8 (Archaeology and Information)
- Policy SO2 (Linear Open Space)
- Policy SO3 (Access and Enhancement of Green Belt and Linear Open Space)
- Policy EP3 (Water Protection)
- Policy EP7 (Noise Pollution)

Supplementary Planning Guidance

- New Housing Development SPD
- Glass Quarter SPD
- Planning Obligations SPD
- Nature Conservation SPD
- Affordable Housing SPD

ASSESSMENT

20. Key Issues

- Principle;
- Loss of Employment Land;
- Density;

- Highways issues;
- Accessibility;
- Contamination;
- Flood risk;
- Noise;
- Impact on the Conservation Area, listed buildings and canal;
- Archaeology;
- Wildlife issues;
- Effects of the development on the River Stour;
- Provision of open space;
- Affordable housing;
- Planning Obligations.
- New Homes Bonus

Principle

21. The Black Country Core Strategy (BCCS) has been adopted since this application was originally submitted, and this now should be regarded as a significant material planning consideration in the determination of the application. The BCCS sets out the vision, objectives and strategy for future development in the Black Country to 2026. One of the Spatial Objectives of the Strategy is to help to deliver sustainable communities on redundant employment land, that make the most of opportunities such as public transport and canal networks, are well served by residential services and green infrastructure, have good walking, cycling and public transport links to retained employment areas and centres, are set in high quality natural and built environment and are well integrated with surrounding areas. The acceptability of this proposal must be assessed against the aims of this Objective.

22. Within the Core Strategy, the application site lies within Regeneration Corridor 11b – Brierley Hill to Stourbridge. Policy CSP1 advises that in respect of new housing the role of Regeneration Corridors is to provide new residential communities that are well supported by community services and local shops, set within and linked by

comprehensive networks of attractive green infrastructure with cycling and pedestrian routes. Regeneration Corridor 11b should specifically provide for new high quality canalside communities through the redevelopment of outdated and obsolete industrial sites. Existing green infrastructure is to be protected and enhanced and improved links to the River Stour are to be provided. In total, 2480 new dwellings are proposed for this Corridor. The development accords in principle with the vision for this particular Regeneration Corridor, and specifically with Policy HOU1 also which encourages the provision of new housing on previously developed land.

23. The site is referenced within the Strategic Housing Land Availability Assessment (SHLAA) which identifies that the site is deliverable for housing purposes within the short term. However Members should note that the SHLAA cannot be used to pre-empt or prejudice any decision the Council may make in the future on any particular site.

Loss of Employment Land

24. Policy DEL2 of the Core Strategy requires that before any employment land is released it should first be ensured that an adequate supply of occupied and available employment land is retained. In areas identified for new housing, the Council is encouraged to positively plan to facilitate housing growth by encouraging any existing operation which may restrict the regeneration of the area to relocate. The policy essentially provides a mechanism for the release of surplus land for housing, to ensure that this is done without the unnecessary blight of employment land and harm to the amenity of new residents.
25. As this site is in an area identified for new housing, the requirements of the policy with regard to demonstrating that it is appropriate for this site to be redeveloped for an alternative use are less stringent than if it were not. The relevant part of the policy specifies that housing growth will be 'positively' planned for by 'encouraging any existing operation, which by virtue of the scale and nature of operations, traffic generation and other amenity considerations may restrict the regeneration of the area, to relocate'. On this, it is recognised that the most of the site is vacant, with the only current employment use being the industrial use to the west of the medical

centre. There is consequently no requirement for the applicant to demonstrate that there is a relocation strategy in place for any existing employment uses or that the site is no longer viable to support such a use.

26. Policy DEL2 also requires that any proposals resulting in the loss of employment land should demonstrate a comprehensive approach, making best use of available land and infrastructure and not prejudicing existing and neighbouring uses. It is considered that the proposal will result in a comprehensive redevelopment scheme in accordance with this criterion. The principle of the proposed use of the site for residential purposes is therefore acceptable.

Density

27. The NPPF advises that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy HOU2 of the Core Strategy states that all developments will aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness. Whilst the net density of the proposed development is below this minimum threshold this is considered to be acceptable in this case on the basis that a significant proportion of the site is taken up by the River Stour and its adjoining flood zone which cannot be built upon and is therefore to be used as open space. The site is also constrained by the embankment along the southern boundary and sewer easements along the Bradley Road frontage which further restrict the area of the site which can be built upon.
28. The policy also requires that developments of 15 dwellings or more should provide a range of house types and sizes that will meet the accommodation needs of both existing and future residents, including affordable housing. As this is an Outline application the proposed house types have not been specified; however at the reserved matters stage an appropriate mix of dwellings can be sought to ensure compliance with this policy.

Highways Issues

29. The National Planning Policy Framework seeks to promote more sustainable transport choices, and Core Strategy Policy TRAN 2 requires that developments should provide an acceptable level of accessibility and safety by all modes of transport, in accordance with an agreed Transport Assessment and Travel Plans. The applicant's Transport Assessment advises that the Lowdnes Road/Enville Street junction to the south of the site which connects it to the wider local highway network has ample operational capacity to cater for the proposed development and that no capacity related improvements are required. With regard to Policy TRAN2 a condition can be imposed (Condition 24) requiring the submission of a Travel Plan to ensure that the development is both accessible and sustainable.

Accessibility

30. The site lies within an area of Linear Open Space. Saved Policy SO2 of the UDP advises that the function of Linear Open Space is to link open spaces in urban areas with green wedges and provide recreation for neighbouring areas. The design and layout of development within linear open space is required to complement and enhance its function. Policy SO3 seeks to ensure that public access to, through and within Linear Open Space is protected and where possible enhanced.
31. Policy CSP3 of the Core Strategy states that development proposals should protect, enhance and expand the strategic network of environmental infrastructure at every opportunity. Policy TRAN4 advises that, in the interests of creating sustainable environments, new developments should link to existing walking and cycle networks. Where possible existing links, including the canal network, should be enhanced and the networks extended to serve new developments. New developments should have good walking and cycling links to public transport nodes and interchanges.
32. The site is within walking distance of Stourbridge town centre and Wollaston local centre to the south-west. With regard to the consultation response from CENTRO a contribution can be sought from the developer at the reserved matters stage via a

Section 106 Agreement for CENTRO to carry out the necessary improvements works to existing bus stop facilities. It is considered that it would be reasonable to request this contribution to ensure that the site is in a sustainable location in respect of access to public transport facilities.

33. In order to gain access to the open space area within the northern half of the site and the canal towpath beyond a pedestrian footbridge will be required across the River Stour. Details of the exact location and design of the bridge can be sought by condition for incorporation into the detailed reserved matters layout.
34. An area of land along the southern side of the public footpath at the end of Bradley Road was vested to the Council by the landowner as part of the Section 106 Agreement for the redevelopment of the medical centre site. This land will be used to widen the footpath and provide improved access to the playing fields to the west of the site for future residents of the development.

Contamination

35. Saved Policy UR9 of the UDP requires that, where it is known or suspected that land is contaminated, planning applications should be accompanied by information to determine the remediation required in relation to the proposed land use. The Head of Environmental Health has advised that, to ensure that the risks associated with any contamination area reduced to acceptable levels, a scheme should be submitted to deal with remediation of ground contamination, including soil gases and vapours (this is covered by Conditions 13 and 14).

Flood Risk

36. Policy ENV5 of the Core Strategy seeks to minimize the probability and consequences of flood risk by adopting a strong risk-based approach. The National Planning Policy Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The NPPF recommends that an 'exception test' be applied, 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.

37. The submitted Flood Risk Assessment advises that the majority of the site lies within Flood Zones 3 - High Risk and Flood Zone 2 – Medium Risk. The layout and form of the proposed development must therefore reduce the overall level of flood risk in the area, with the application of appropriate sustainable drainage techniques, and create space for flooding to occur by restoring functional floodplain and by allocating open space for flood storage.
38. With regard to criteria (a) and (b) it is considered that the proposal does pass the test for the reasons set out in paragraphs 21-23 above. In respect of criteria (c) the submitted FRA includes proposals to manage flood risk for the development site and is supported by hydraulic modelling and a range of proposals to ensure that the redevelopment of the site will not have a detrimental impact to third party land. It is recommended that the conditions requested by the Environment Agency should be imposed (Conditions 15 and 19) in the interests of flooding prevention and to prevent contamination, in accordance with Saved Policy EP3 of the UDP.

Noise

39. Policy DEL2 of the Core Strategy requires that, before considering the release of employment land, it should be ensured that a development does not adversely affect the operation of existing or proposed employment uses. This proposal involves the release of industrial land for new housing, which with regard to this policy should only be allowed if the continued viability of existing surrounding commercial uses is not

prejudiced by such a development. Saved Policy EP7 requires that where development would be subject to high noise levels the Council will require the proposal to include measures to reduce noise intrusion to an acceptable level.

40. With regard to the representations made by Vee Bee Ltd, the proposed housing at the site would be at sufficient distance to ensure that the future occupants will not be affected by noise emanating from their premises. As such the development will not have any implications for the long-term viability of Vee Bee Ltd. Should permission be granted, the condition recommended by the Head of Environmental Health relating to the cessation of activities at the existing industrial premises should be imposed, in order to safeguard the amenities of residents of the development in respect of potential noise intrusion (Condition 28) in accordance with Saved UDP Policy DD4.

Impact on the Conservation Area, canal and listed buildings

41. The NPPF requires that, in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Saved Policy HE4 of the UDP states that the Council will safeguard and seek to enhance Conservation Areas, and that proposals which would be detrimental to their character or setting will be resisted. The proposed built development at the site will be on land outside of the Conservation Area; at the reserved matters stage an appropriate form of design and layout of the proposed dwellings can be sought which will enhance the setting of the adjacent areas of land which lie within the Conservation Area.
42. As part of the application for the conversion of the adjacent Foster and Rastrick building, a 'Conservation Plan' was submitted which identified features of historic significance in the vicinity of the site and set out policies for maintain or enhancing that significance. The Plan identified that by focusing any future development on land to the south of the river, and by setting aside land to the north of the river as public open space, any impact on the two Grade II listed buildings within the open space would be minimized. The Plan recommends that West Midlands Historic Building Trust and other stakeholders, including Council Officers and the landowner, work

together to identify new uses for these buildings and how they can be restored and refurbished. This is in accordance with Policy ENV2 of the Core Strategy which requires that developments should conserve the historic aspects of the canal network and its associated infrastructure, including surviving canal-side buildings and structures, and Saved Policy HE6 of the UDP which advises that the Council will safeguard and encourage the appropriate enhancement of listed buildings.

43. Policy ENV4 of the Core Strategy states that all development proposals must protect and enhance the visual amenity of the canal network and improve and promote walking and cycling access. Saved Policy HE7 requires that development adjacent to canals should preserve and/or improve public access to canals and enhance the canal environment.
44. The proposed housing will be visible across the open space area adjoining the canal towpath. Again, a high quality form of development will be sought at the reserved matters stage to ensure that the development provides significant canal side improvements compared to the existing industrial setting. As referred to earlier, the development will provide direct access to the canal towpath via the open space area. The potential creation of an attractive canal side environment will greatly enhance the visual quality of the area, in accordance with Policies ENV4 and HE7.

Archaeology

45. Saved Policy HE8 of the UDP requires that adequate information should be included as part of any planning application to allow for the impact of a development on archaeological remains to be properly considered. The applicant's archaeological appraisal states that the development will not adversely impact on the heritage assets at the site (the listed buildings and Conservation Area) because of the distance between them and the proposed buildings. As no development is to take place north of the river any undesignated archaeological assets there would remain unaffected. The appraisal concludes that the development could potentially impact upon below ground remains within the southwestern part of the site (the former engineering yard to the Foster and Rastrick site). It is recommended that a condition

be imposed requiring that a programme of archaeological work be commissioned at the reserved matters stage to cater for the potential survival of any archaeological remains associated with the former engineering yard (Condition 29).

Wildlife Issues

46. Part of the area of river within the site and the canal are designated as an area of local importance for nature conservation and a Wildlife Corridor. The NPPF requires that opportunities to incorporate biodiversity in and around developments should be encouraged. Policy ENV1 of the Core Strategy seeks to safeguard locally designated nature conservation sites from development proposals which could negatively impact upon them, and advises that all development should indeed positively contribute to the natural environment of the Black Country. Both this Policy and Saved Policy NC6 of the UDP require the submission of measures to protect wildlife species and their habitat. Further detail on the type of information needed is set out in the NPPF and associated technical supporting documents, as well as the Nature Conservation SPD.
47. The applicant's ecological appraisal sets out how measures could be secured and implemented to avoid, mitigate and/or compensate the effects of the development on existing wildlife species, as well as to deliver significant local benefits to the habitat network. The future development of the site will include the de-culverting and re-engineering of the part of the River Stour which runs through it, in a similar manner to works which have been approved at the medical centre and the other approved residential sites in the vicinity. This will deliver a significant benefit in terms of the function of the river as a wildlife corridor. In order to avoid or minimize the impact of the works, and to maximize the ecological benefits they will deliver, a number of mechanisms/measures are recommended in the applicant's ecological appraisal. These should be secured by conditions to ensure that the development makes a positive contribution to the natural environment (Conditions 7,8,9,16,20,23 and 27).

River Stour

48. This part of Stourbridge suffers from poor environmental quality and the river, in particular, has suffered from past development. The proposed opening up of the culverted stretches of the River Stour will improve local amenity in terms of the use of the area for general recreational purposes, in accordance with Policy ENV5 of the Core Strategy which advises that developments adjacent to river corridors should benefit the river by reinstating a natural river channel and restoring the functional floodplain.

Provision of Open Space

49. The development will provide areas of open space within the flood zone on the southern side of the river, producing a new and enhanced resource in this part of Stourbridge. The provision of a footbridge as referred to previously will also provide access to the large area of open space to the north of the river. This is in accordance with Policy CSP4 of the Core Strategy which seeks the provision of an integrated multifunctional open space network and Policy ENV6 which encourages developments which would increase the overall value of the open space network.

Affordable Housing/Planning Obligations

50. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for planning obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy. These policy documents were prepared in accordance with national legislation and guidance on planning obligations. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area. In respect of affordable housing, Policy HOU3 of the Core Strategy seeks to secure 25% affordable housing provision on all sites of 15 dwellings or more where this is financially viable.

51. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development;
 - (c) fairly and reasonably related in scale and kind to the development.
52. The applicant has submitted a statement in respect of affordable housing and other S106 contributions. The statement requests that the requirement for affordable housing and S106 contributions should be waived for the following reasons:
- 1) The majority of the housing in the immediate locality is social rented and smaller general market housing. Therefore in order to secure a mix of housing types and levels of affordability in the area, and to create a socially inclusive community, the amount of affordable housing delivered on the site should be limited.
 - 2) The development of the site is subject to many exceptional costs above those normally encountered (these include river restoration/enhancement works, ground contamination, Japanese Knotweed, landscaping of the public open space). The implication of such costs is that the provision of affordable housing in accordance with policy requirements would render the scheme unviable.
53. The submitted appraisal has been assessed by the Head of Property Management and Valuation who has advised that a development scheme with a level of affordable housing between 'nil' and 25% should be viable.
54. Policy HOU3 of the Core Strategy and the Planning Obligations SPD recognise that exceptional circumstances may arise on some sites which result in genuine financial viability concerns (for example where remediation costs are abnormal or are above what could reasonably be foreseen). The Council's objective in viability negotiations is to secure the maximum value of planning obligations in order to

deliver the required amount of supporting infrastructure, whilst working with developers to enable developments to come forward. The Affordable Housing SPD advises that only where exceptional remediation costs are preventing a sale of the site on the open market or otherwise restricting the reuse of the site for housing will a reduced provision be considered.

55. Based on the accepted exceptional costs associated with the development, and the advice received from the Head of Property Management and Valuation, it is considered appropriate in this case to request affordable housing provision below the 25% amount set out in Policy HOU3. A Section 106 Agreement can be used to secure the provision of affordable housing, the exact amount to be agreed at reserved matters stage based upon the submission of further financial appraisals and the impact of the provision of affordable housing on the viability of the development.
56. The contribution requested by the Canal Trust cannot be sought as, with regard to the CIL tests set out above, the resurfacing works are not considered to be so necessary that the development would be unacceptable without them. The financial contribution requested by CENTRO is necessary to ensure the site's accessibility and would be a relatively minor cost which would have no undue impact on the development's viability. These works can be secured through the S106 Agreement.
57. In lieu of a financial contribution towards public realm improvements it is considered that the development works which will take place at the reserved matters stage, which will include new boundary treatments, the provision of high quality hard and soft landscaping, the river restoration works, and the new footbridge across the river, all constitute significant improvements to the public realm which will be enjoyed by the residents of the development and existing residents in the immediate surrounding area. On-site public art feature(s) can also be sought. A separate financial contribution is not therefore justified. Similarly nature conservation enhancements will be provided as part of the development and can be secured by condition, negating the need for a separate monetary contribution. Air quality improvements can be achieved (in accordance with Policy ENV8 of the Core

Strategy) by the provision of electric vehicle charging points within the development, to be sought by Condition 12.

58. As part of the Section 106 Agreement relating to the development of the Sunrise Medical site, the developer was required to submit a scheme for the provision of an off-site recreation area within the area of open space at this site. The developer is currently working with Officers in relation to the details of the open space provision. If for any reason this cannot be provided, the Agreement requires that a financial contribution be sought instead from the developer which will be used to improve existing open space facilities in the area. A similar agreement will be needed for this development, so that in the event that the proposed open space area is not created the infrastructure burdens resulting from this development are mitigated against.

New Homes Bonus

59. Clause (124) of the Localism Act states that local planning authorities are to have regard to material considerations in dealing with applications including any local finance considerations, so far as material to the application. A 'local finance consideration' means a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown. This may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
60. The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth. It will ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock.
61. The Bonus will sit alongside the existing planning system and provides local authorities with monies equal to the national average for the council tax band on each additional property and paid for the following six years as a non-ring fenced grant. In addition, to ensure that affordable homes are sufficiently prioritised within supply,

there will be a simple and transparent enhancement of a flat rate £350 per annum for each additional affordable home.

62. Whilst the clause makes it clear that local finance matters are relevant to planning considerations and can be taken into account, it does not change the law in any way. It is not a new basis for planning policy and it remains unlawful for planning permissions to be 'bought'. Under this system the proposal would provide a significant sum of money, however the planning merits of the proposal are acceptable in any event and Members are advised not to accord this any significant weight in the assessment of the development.

CONCLUSION

63. The proposed development provides an opportunity to deliver a significant number of new residential properties on a sustainable brownfield site, within a Regeneration Corridor where the Black Country Core Strategy specifically seeks the provision of new high quality canalside communities through the redevelopment of outdated and obsolete industrial sites.

RECOMMENDATION

64. It is recommended that the application be APPROVED subject to:
- a) The signing of a legal agreement to guarantee the provision of i) a scheme for the off-site provision and future maintenance of public open space and childrens play facilities to be submitted to and approved by the local planning authority in accordance with the requirements of the Open Space and Planning Obligations Supplementary Planning Documents, ii) a contribution towards either upgrading the stop poles in the surrounding area to shelters or towards improvements to bus services in the area iii) affordable housing, and iv) a management and monitoring fee;
 - b) The completion of the Agreement by 31st June 2014 and, in the event of this not happening, the application being refused if appropriate
 - c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary

Conditions and/or reasons:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of access, appearance, layout, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
3. Prior to the commencement of development details of the existing and proposed levels of the site (including finished floor levels), which should be related to those of adjoining land and highways, shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved levels.
4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
5. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details, and the approved materials shall thereafter be retained.
6. No development shall commence until details of the location and design of a footbridge across the River Stour, connecting the proposed areas of housing within the site to the open space area to the north of the river, have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
7. No development shall take place until details have been submitted to, and approved in writing by the local planning authority, of the tree protection measures on site. The details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.

c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected is to be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.

d. Design details of the proposed protective barriers to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 9.2 of British Standard BS:5837 – 2005 ‘Trees in Relation to Construction – Recommendations’.

8. Prior to the commencement of development a species survey and assessment of the site, carried out within the twelve months prior, shall be submitted to and approved in writing by the local planning authority, and the development shall proceed in accordance with the approved details and methods.
9. Prior to the commencement of development, a plan detailing the establishment and maintenance of habitats on the site for a period of 5 years from commencement on site shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.
10. Prior to the commencement of development, a plan detailing the type and location of bat roost provision on the site shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation of the development hereby approved, the agreed provision will be installed on site and thereafter maintained available for use for the lifetime of the development.
11. No development shall commence until details of the proposed retaining walls and boundary treatment of the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details, and the walls and boundary treatment shall thereafter be retained.
12. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority in accordance with the Parking Standards SPD. The charging points shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
13. No development approved by this permission, including the construction of any building, shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA). Furthermore, no part of the development shall be occupied until the LPA has been satisfied that the agreed scheme has been fully implemented and completed.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is

commenced;

ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;

iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement of the development. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.

iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written agreement of the LPA.

v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.

vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration.

vii) A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed shall be submitted to the LPA for approval.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

15. No development shall take place until such time as a scheme to address the following has been submitted to, and approved in writing by, the local planning authority.

1. Details of a surface water drainage scheme including:

- limiting discharge from the development to the Greenfield rate
- attenuation to the 1:100 year plus climate change standard using SuDS in line with Ciria C697, The SuDS Manual
- adoption and maintenance

2. Details of flood resilience & management measures including:
 - finished floor levels as outlined in the FRA
 - incident management plan & emergency warning notices
3. Details of the River Stour restoration scheme (including access to the river for improvement/maintenance works)
4. Details of the Flood Routing Corridor as outlined in the FRA
5. Provision of an 8m easement from the top of bank of the River Stour.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected within 8 meters of the top of the river bank.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

16. The development hereby approved shall take place in accordance with the recommendations set out in the Ecological Appraisal commissioned by EDP dated January 2011.
17. A scheme produced in partnership with the Council that shall address, as a minimum, measures to increase the number of jobs open to local people available on the site and the development of initiatives that support activities to upskill local unemployed people of working age so as to support them into sustained employment as outlined in the council's Planning Obligations Supplementary Planning Document shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The development shall be implemented in accordance with the approved scheme.
18. Prior to commencement of development details of the parking areas and access roads shall be submitted and approved in writing by the local planning authority, including, lines, widths, levels, gradients, lighting, drainage and cross sections. These development shall thereafter be implemented in accordance with the approved details and thereafter retained in perpetuity.
19. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

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

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

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

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

20. No development shall commence until details of any proposed lighting along the River Stour has been submitted to and approved in writing by the Local Planning Authority. All works must be carried out prior to occupation of the development in accordance with the approved plan and retained throughout the lifetime of the development.
21. This outline permission does not relate to the layout, in detail, or authorise the erection of any buildings shown on the plans accompanying the application.
22. No development shall commence until details of public art feature(s) to be incorporated within the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details, and the agreed feature(s) shall be retained in perpetuity.
23. Prior to the commencement of development a river restoration and long term management plan, including long-term design objectives, management responsibilities and maintenance schedules for the river corridor shall be submitted to and approved in writing by the local planning authority. The river restoration plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

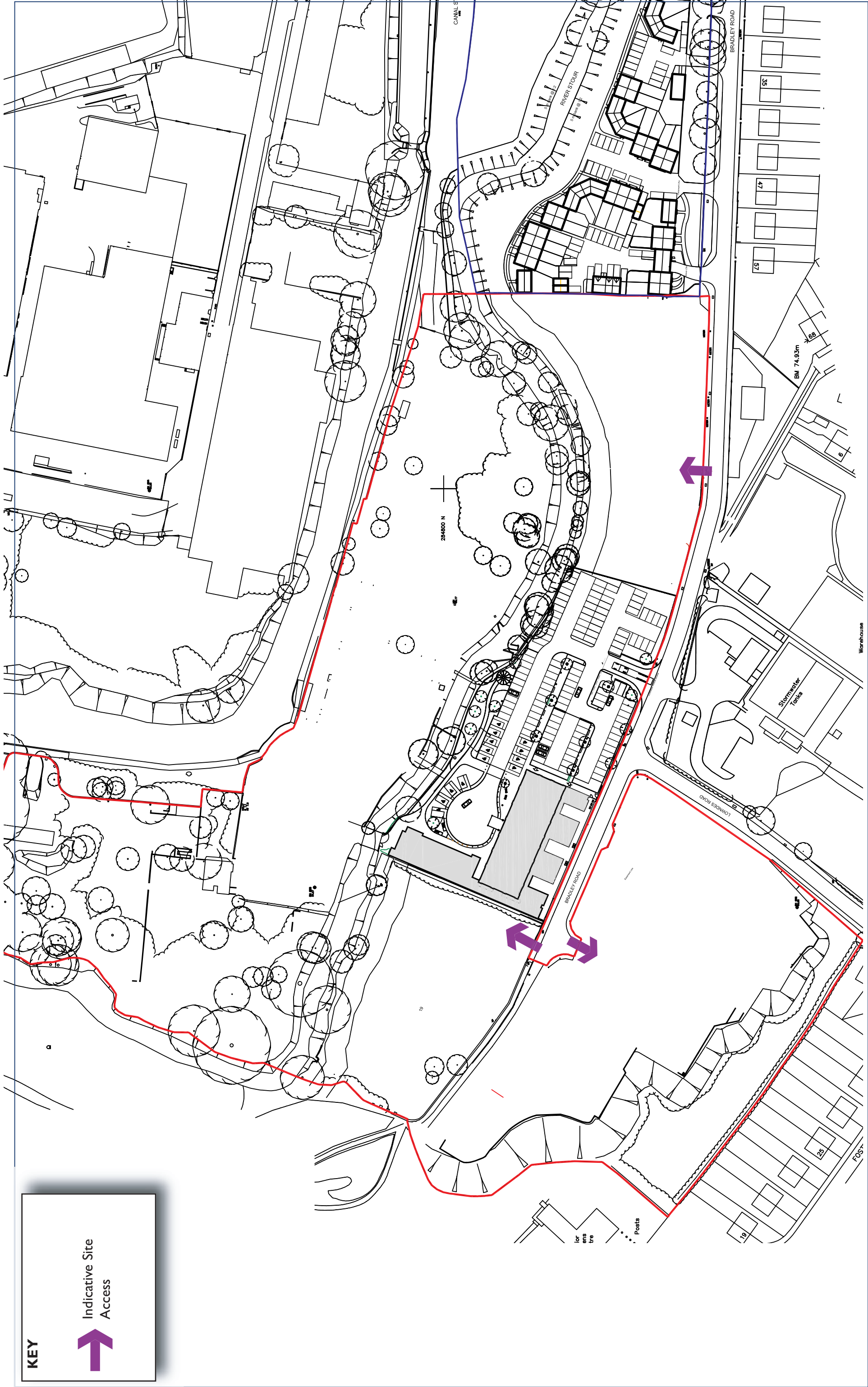
The scheme shall include the following:

- Low flow channel to be a variable width (as at present) and to be no wider than the current low flow channel width.
- The channel should be re-designed in conjunction with a suitably qualified Geomorphologist to ensure that the work will be sustainable and will not result in a reduction in ecological or Geomorphological value of the river. The Geomorphologist should produce a report which supports a sustainable solution.
- The flood flow channel should be of sufficient capacity to allow the retention and/or replanting of trees along the river bank. Bankside trees are essential for a healthy river. They regulate water temperature, provide food (leaf and insect fall), provide refuge for fish during flood events and provide habitat and refuge for many species associated with rivers.
- The low flow channel should meander through the flood flow channel

- Suitable conditions for otters to forage for food and take refuge (i.e. lying up sites)
- Pools for kingfishers to fish, with associated perching trees
- Detail extent and type of new planting (N.B. planting to be of native species of local provenance)
- Details of maintenance regimes
- Programme of eradication of invasive species, including Giant Hogweed, Japanese Knotweed and Himalayan Balsam

24. No development shall commence until an updated Travel Plan, has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
25. Prior to commencement of development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
26. No development shall take place until a scheme for the provision and management of a buffer zone alongside the river has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and shall include:
 - plans showing the extent and layout of the buffer zone
 - details of any proposed planting scheme (for example, native species)
 - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
 - details of any proposed footpaths, fencing, lighting etc.
27. Prior to the commencement of development, a detailed landscape scheme and strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a timetable for the implementation of the works and their ongoing maintenance, and shall be implemented in accordance with the approved details.
28. Prior to first occupation of the approved dwellings, all industrial activity at the site shall cease and no further industrial activity shall take place at the site thereafter for the lifetime of the development.

29. No development shall commence until a programme of archaeological mitigation for the south western part of the site has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.
30. No development shall commence until details of cycle parking provision for the proposed dwellings in accordance with the standards set out in the Parking Standards SPD has been submitted to and approved in writing by the local planning authority. The development shall thereafter take place in accordance with the approved details.



LOCATION PLAN - SITE ACCESS - Bradley Road Stourbridge

DRG: 4WA-1010-P-04
CLIENT: Quadrant Land Partnership
DATE: 02/03/14
STATUS: Planning

CHECKED BY: JW
DATE CHECKED:
REVISION:
PREPARED BY: JW

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