PLANNING APPLICATION NUMBER:P12/0619

Type of approval sought		Full Planning Permission	
Ward		Brierley Hill	
Applicant		Mr S Miller, Morris Homes Ltd	
Location:	FORMER STUART CRYSTAL WORKS, LAND OFF ARGYLE CLOSE, WORDSLEY, STOURBRIDGE, WEST MIDLANDS		
Proposal	ERECTION OF 48 NO TWO, THREE AND FOUR STOREY DWELLINGS WITH ASSOCIATED WORKS		
Recommendation Summary:	APPROVE SU	JBJECT TO A 106 AGREEMENT	

SITE AND SURROUNDINGS

- This 1.10 hectares site formerly accommodated The Stuart Crystal Works, which has now been demolished and the site cleared. The site itself comprises of hardstanding, with scrubs species and rough grassland, and some mature trees and dense scrub. Most of the site lies within Stourbridge Sixteen Locks Conservation Area. The site is bounded by residential properties on Ensall Drive to the south, Argyle Close and Brindley Close to the west, and Stourbridge Canal immediately to the north.
- 2. To the north eastern boundary of the site, are two listed buildings of varying storey heights and a Scheduled Ancient Monument (The Whitehouse Cone). The Whitehouse Cone once formed a local landmark at the front of the site. All that remains of the Cone is the base. The site is crossed by Vine Street which is a vehicular highway. Off its western end is a public footpath which runs to the canal towpath. Public pedestrian access is also gained off Ensall Drive and Argyle Close.
- The canal separates the site from residential properties on Windsor Grove and Meadowfields Close further to the north. The grounds of Wordsley Manor also adjoin the canal, part of this site has recently had planning approval for the erection of 14 dwellings (P10/1325).

4. At the site's frontage there is a former public house (The Vine), now converted to a restaurant/takeaway immediately adjacent to the south of the existing access from High Street/Camp Hill. Directly opposite the site on the eastern side of the A491 is the Red House Glass Cone.

PROPOSAL

- 5. This application proposes the erection of 48 dwellings incorporating of a mix of 2, 3 and 4 storey buildings to comprise of;
 - 26 No. 2-bed apartments
 - 4 No. 3-bed mews dwellings
 - 4 No. 3-bed detached dwellings
 - 14 No. 4-bed detached dwellings
- 6. The apartments (units 19-43) would be accommodated in 2 blocks, from a two to four storey scale adjacent the canal, to the north of the site.
- 7. Detached dwellings (units 1-12, 12a -17, 44-48 inc) would be two storeys in scale, these would follow the line of the road running central of the site. They would be sited along western and southern boundaries of the site. Plots 47, 48, 44 and 45 overlook the canal.
- 8. The main access into the site would be from Marine Crescent / Argyle Close, with an emergency access link to Vine Street at the north-east end of the site. Bollards are to be erected on the internal street to prevent vehicles from using it as a 'short cut' from High Street to Argyle Close and vice versa.
- 9. An emergency access link would be provided between Ensall Drive and Argyle Close.
- 10. There would be retained access for lock maintenance in two separate positions.
- 11. Each detached dwelling would be provided with off-street parking, either on driveway spaces or within detached and integral garages.
- 12. The apartments would be served by two separate shared car parks, which make provision for 7 disabled parking spaces. A total of 94 cycle spaces would be provided for the apartments.

- 13. The application is accompanied by a Design and Access Statement, Transport Statement, Floor Risk Assessment, Affordable Housing Viability Report, Ecological Survey, Tree Survey and Site Investigation reports.
- 14. A Highway Stopping Up Plan and Emergency Access plan also accompanies this application.
- 15. During the course of this application the following amendments were made to the scheme;
 - Reduction from 49 to 48 dwellings.
 - New shared surface arrangement to address the substandard centreline radii on the estate road, adjacent the entrance to the site from Argyle Close
 - Removal of car barn due to concerns about position and poor canalside treatment
 - Redesign of dwelling types to incorporate parking spaces in accordance with the Parking Standards SPD
 - Improved external design of apartments and dwellings.
 - Increased parking provision for apartments

RELEVANT PLANNING HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P06/1161	Listed building consent for demolition of modern glassworks factory buildings (Area 2 + Area 1A only shown on drawing C4676 - 500A)	Approved with conditions	29/08/06
P06/1864	Conversion of Listed Buildings to commercial/residential units. Erection of new houses and apartments and creation of new access road.	Approve subject to a 106 Agreement	17/08/07

16. Planning application P06/1864 included the Listed Buildings fronting High Street/Camp Hill, converting these into mixed use (9 commercial and 29 residential units.

- 17. Further into the site (i.e. approximate boundary of the current application) it was proposed to erect;
 - 3 No. four storey buildings providing 76 apartments.
 - A row of 24 no. terraced houses sited along the southern boundary
 - 10no. apartments long the western boundary in a two storey building.
 - On the northern boundary 8 No. 3-storey semi-detached houses and a 2 storey building containing 4 No. apartments are proposed overlooking the canal
- 18. Whilst this application was approved, the subsequent S106 agreement was never agreed.

PUBLIC CONSULTATION

- 19. Direct neighbour consultation was carried out to 43 adjoining and adjacent neighbours, site notice and newspaper advert were also posted, as a result of which 4 letters of objection have been received, summarised as follows;
 - No. of vehicular movements appears low in Transport Statement.
 - Additional traffic using the 'extremely risky' junctions of the A491 with Marine Crescent and Junction Road. Improvements should be made to the junction.
 - Area already flooded with apartments, resulting in additional road traffic. This development would add more vehicular traffic on the already-congested surrounding road network.
 - Argyle Close cannot accommodate extra traffic. Access from Ensall Drive would be better to use.
 - Canalside apartment design is poor.
 - Apartment scale is overpowering on two storey detached dwellings approved by Planning Committee at Wordsley Manor, only 15m away on other side of canal. Overlooking serious issue.
 - FFL in considerably higher than Wordsley Manor scheme.
 - If supported, design would benefit from at least one break on canalside elevation, should be greater emphasis on location rather than standard and regimented house type of little architectural merit.
 - Flats would be an eyesore on the skyline.

• Canal is heavily used and attraction to the area, open space and access to canal should be encroached upon by towering apartment blocks.

OTHER CONSULTATION

- 20. <u>Head of Environmental Health and Trading Standards</u>: No objection subject to conditions relating to contaminated land.
- 21. The Group Engineer (Development): No objection subject to conditions.
- 22. <u>The Inland Waterways Association</u>: Object to the development on grounds of overdevelopment of site, failure to enhance the canal corridor, obscuring the canal from the majority of the development through the aspect of buildings and the use of high screening, proposal not being in accordance with the principles set out in Core Strategy.
- 23. <u>British Waterways / Canal & River Trust</u>: No objections to principal of development, subject to reconsideration of design of car barn, condition regarding suitable barrier and boundary treatment to canal, revised layout to ensure appropriate access can be provided for maintenance purposes for both locks including pedestrian and vehicular access. Request is also made for Section 106 monies be made available for canal towpath enhancements and improvements to a well utilised cycle wheeling channel to improve public access.
- 24. <u>The Environment Agency</u>: No objection to the proposal in respect of groundwater pollution prevention, contaminated land and flood risk, subject to the provision of conditions.
- 25. English Heritage: No objection in principle to housing development, but not supportive of mundane design and layout proposed. Also concerned at that detachment of this development site from the adjacent listed buildings and concerned that this might prevent the opportunity to help stimulate and fund repair of the latter with income from the housing site.

26. West Midlands Fire Service: No objection subject to suitable water supply point.

27. <u>West Midlands Police</u>: General advice given about improved security measures across site, which have been presented to the applicant.

RELEVANT PLANNING POLICY

28. National Planning Policy Framework (NPPF- 2012)

This 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.

29. Black Country Core Strategy Policies (2011)

- CSP2 Development outside the Growth Network
- CSP4 Place Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- TRAN5 Influencing the Demand for Travel and Travel Choices
- ENV1 Nature Conservation
- ENV2 Historic Environment and Local Distinctiveness
- ENV3 Design Quality
- ENV4 Canals
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6 Open Space Sport and Recreation
- ENV8 Air Quality
- **DEL1 Infrastructure Provision**

30. Saved UDP Policies (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas

DD9 – Public Art

- DD10 Nature Conservation and Development
- AM13 Public Rights of Way
- NC6 Wildlife Species
- NC10 The Urban Forest
- **HE4** Conservation Areas
- HE6 Listed Buildings
- HE7 Canals
- S02 Linear Open Space
- S03 Access and Enhancement of Green Belt and Linear Open Space
- EP6 Light Pollution
- **EP7** Noise Pollution

31. Supplementary Planning Document

Parking Standards – Review (2012)

- New Housing Development
- Nature Conservation
- Planning Obligations
- Historic Environment

Glass Quarter

ASSESSMENT

- 32. The key issues in determination of this application are;
 - Principle of development
 - Character and appearance of the area (inc Conservation Area / Listed Building impacts)
 - Access and parking
 - Residential amenities of nearby occupiers
 - Impact upon wildlife species
 - Flood Risk
 - Whether provision is made for Planning Obligations / Viability Appraisal
 - Renewable Energy

Principle of development

- 33.At the heart of National Planning Policy Framework is a presumption in favour of sustainable development such that development proposals that accord with the development plan should be approved without delay.
- 34. The Framework sets out a number of core planning principles, including that planning should always seek a high quality design, encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value and a good standard of amenity for all existing and future occupants of land and buildings.
- 35. Given that this site has previously benefitted from residential planning application approval, and that this site is considered to be previously developed and is located within a largely residential area, it would constitute sustainable development; the principle of residential development is therefore acceptable. The extent to which other factors are dealt with, are explored below.

Character and appearance

- 36.BCCS policy HOU2 'Housing Density, Type and Accessibility' sets out the objectives for density and types of new housing, promoting the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics and mix of uses in the area where the proposal is located.
- 37.BCCS policies CSP4 'Place Making', ENV2 'Historic Character and Local Distinctiveness' and ENV3 'Design Quality' requires that all development demonstrates a clear understanding of historic character and local distinctiveness and demonstrates how proposals make a positive contribution to place-making and environmental improvement through high quality design.
- 38. The Councils New Residential Development SPD (Revised 2013) is a useful tool in establishing a character led approach to new development based on identifiable context and characteristics. The general area shares characteristics of development in 'inner and outer suburbs', and therefore the development criteria of such has been used to assess whether this dwelling is designed within its context.
- 39. Development criteria that has been incorporated into the scheme include;
 - Respect local character of height and mass
 - Retain space around the building

- Provision of off-street parking in front or side of house/garden
- Retain back gardens
- More efficient use of land should deliver densities above the prevailing density, where appropriate, without having a detrimental impact on the character of the area.
- 40. The New Housing Development SPD does not make specific reference to canalside development, however, the general steer of this guidance is to support development that responds to the context and characteristics of the area.
- 41. The applicant has provided a scheme that creates a robust canal frontage supporting the urban geometry of the original Listed Buildings to the north-east. The strong vertical edge is in keeping with the mass and scale of the existing buildings but remains subservient. This is achieved by presenting the apartments to the waterfront over four storeys, reducing in scale towards the housing element on site. The apartment buildings provide an interface between the two storey dwellings and the listed buildings adjacent to the site.
- 42. The NPPF suggests that Council's should set out their own approach to housing density to reflect local circumstances.
- 43. The proposed scheme seeks to blend densities across the site to the relate to the surroundings. The most dense part of the site is to the north where the future conversion of Listed Buildings adjacent, would provide high density living, whilst the dwellings across the remainder of the site have been scaled down to be sited next to the existing residential detached properties.
- 44. Overall the development would be built to a density of 44dph, which is considered appropriate for this area. Taking a snapshot of residential estates in the surrounding area, development at 1-12 Brindley Close was built to 32dph, No's at 30-56 Ensall Drive were built to a density of 50dph, No's 37-54 Windsor Grove were built to a density of 31dph. In this respect the development would make efficient use of land, which is not excessive when considering local circumstances.
- 45. Following concerns particularly raised by English Heritage, the revisions were made to the apartments block size, layout and external appearance. The form of the proposed apartment blocks follows the robust pattern of the listed buildings, and allows views through the site of the adjacent canal. The blocks mirror the scale and massing of the listed buildings. The apartment design considered the symmetrical

relationship between the industrial gable walls which form the frontage to the canal, the repetition of window and doors, and the clean lines created by the gable features, all of which are important features of the architecture of the adjacent listed building. The scale of the apartment units and the vertical placement of openings and structures within the built form all contribute to breaking up the mass of the elevation, as does the shorter block length of plots 33-43 and tiered roof line, compared to that originally submitted. The window and door detailing (detailed section plans of which have been submitted) also help to form a strong character bond with the listed building.

- 46. The external design of the dwellings would be appropriate within the area, taking some design cues for the various house types from the apartment block and Listed Buildings, as well and modern housing estates within the nearby area. These would transition well in the architectural hierarchy of the site and will significantly enhance the character of the area.
- 47. In accordance with BCCS Policy ENV4 Canals, the amended scheme would provide a high quality environment along the canal network, would greatly enhance the visual amenity of the site from the canal. It would also facilitate the future conversion and enhancement of adjacent Listed Building which are a long standing historic asset defining the character, setting and views along the canal network.
- 48. The proposal would not be detrimental to the character or setting of the Conservation Area, as the proposal would respect the architectural and historical character. With the alterations made to the layout and elevation treatment of the apartments, it is not considered that the development would be detrimental to the setting of the Listed Buildings. Conditions would be required to ensure that building materials are appropriate to the Conservation Area and adjacent Listed Building.
- 49. Whilst discuss later within this report (within the Planning Obligations section) with regard to the listed buildings, it must also be taken into account, that there is a future commitment of the landowner to convert them for mixed use purposes dependent upon the outcome of this current application, a welcomed opportunity to renovate and bring back into use buildings which are of historical importance to the Borough.

- 50. Every effort has been made by the applicant to incorporate window openings to facilitate natural surveillance of the parking areas. The main parking areas are within a central overlooked position, bounded by some natural landscaping.
- 51. The proposal demonstrates a clear understanding of historic character and local distinctiveness and makes a positive contribution to place making through high quality design. It would therefore comply with BCCS Policies CSP4, ENV2, ENV3, ENV4 and HOU2, and Saved UDP Policies DD1, HE4 and HE6 and the New Residential Development SPD.

Residential amenity

- 52. The proposed dwellings along the southern boundary of the site would be between 21.5m and 22m from the rear of dwellings on Ensall Drive. A combination of these separation distances and existing trees along this boundary would screen views between the properties and ensure that no significant privacy loss would occur as a result of the development. It is therefore considered that the proposed distance separation is adequate in this case.
- 53. To the north of the site existing properties on Windsor Grove would be in excess of 40m from the proposed houses (plots 44, 45, 46 and 47) and the apartment which front the canal, this would ensure that residential amenity of these occupiers would be safeguarded.
- 54. On the opposite side of the canal, there is planning approval 14 dwellings on the grounds of Wordsley Manor, whilst an objector states that this is some 15m away on other side of canal, the distance is closer to at least 25m separation. Whilst there could be some some increased overlooking of the gardens of these yet to be constructed properties, it must be noted that these are shown on the approved layout plan perpendicular to the front elevation of the proposed apartments, with mature trees on the boundary. It is not therefore considered that this would have a significantly detrimental impact upon the residential amenity of the future occupiers.
- 55. There would be no adverse impact upon the rear of dwellings located on Brindley Close to the far west of the site. Whilst plot 46 would be sited some 15m away from the rear of these dwellings, the first floor does not contain any habitable room windows and there are mature trees within the rear gardens of those properties, therefore no harm to privacy or immediate outlook would arise.

- 56. The new houses would have private rear or side gardens of between 8m-12m long, with each having an area either close to or greater than the minimum 65m2 suggested in the New Housing Development SPD. In any case, future occupiers would have more than ample and usable private amenity space.
- 57. The proposal would comply with BCCS Policy HOU2 which seeks to minimise amenity impacts and Saved UDP Policy DD4.

Access and parking

- 58. The proposed development would be served by extended Argyle Close into the site. Plans show that Vine Street will be stopped up at the eastern edge of the site with an emergency access link connecting the end of Vine Street to the proposed internal layout. A replacement 4.5m wide access would provide access for pedestrian to the canal footpath, and for the Canals and River Trust vehicular access maintenance purposes.
- 59. The principle of a shared surface arrangement to address the substandard centreline radii on the estate road entrance, adjacent the entrance to the site from Argyle Close is acceptable following an amendment to provide satisfactory off-street parking for Plot 1, this amendment was considered critical, as any vehicles displaced into this junction would detrimentally affect its ability to deal with the issues arising from large vehicle manoeuvres on a substandard centreline radius.
- 60. The applicant has submitted a Transport Statement which concludes that the proposed development would not result in any significant detrimental impact at the Camp Hill/Marine Crescent/Brook Street junction. It also confirms that the characteristics of Argyle Close, along with its connecting roads, are such that they should satisfactorily accommodate the increases in traffic movements associated with the proposed development. In terms of trip rates, vehicle distributions and junction capacity analysis the Group Engineer (Development) accepts the finding of the Transport Statement.
- 61. The Group Engineer (Development) is satisfied that the number and design of offstreet parking spaces and garage dimensions accord with the Parking Standards SPD. The parking spaces for the apartments would need to remain unallocated to ensure ample spaces are available for occupiers; this can be secured by condition. This reduces the potential for on-street parking allowing the highway to operate efficiently and safely.

- 62. The site benefits from convenient access to public transport on the A491, and benefits from pedestrian and cycle permeability to adjacent residential areas. Ample cycle storage would also be provided for all apartments.
- 63. The road closure under Section 247 of the Town & Country Planning Act 1990 requires the Highway Authorities permission, details of the closure, including relevant plans showing the extent of the public highway to be extinguished, have been submitted alongside the planning application and therefore the approval of the application is deemed to be approval for the Section 247 of the Town & Country Planning Act 1990 closure. The plan submitted in relation to the Section 247 extinguishment is acceptable in principle to the Group Engineer (Development), with the emergency link from the retained section of Vine Street shown on the layout plan.
- 64. The Parking Standards SPD requires that an electric charging be provided adjacent to at least 1 parking space for each dwelling. Therefore the proposed development should have 48 electric vehicle charging points. Whilst the applicant has confirmed these can be provided for each dwelling, there are 10 No. shown for the apartments' parking court. As these are located centrally between 2 parking bays, these effectively provide electric charging points for up to 20 vehicles. Whilst this would be 6 short of the required 48 charging points, it would be difficult to sustain this as a reason for refusal.
- 65. The proposal involves changes to the means of existing public access through the site. Saved UDP Policy AM13 states that rights of way are an important recreational facility and the Council will endeavour to protect and enhance them. Saved UDP Policy HE7 requires that development adjacent to canals should preserve and/or improve public access to canals. BCCS Policy ENV4 requires development to enhance and promote it leisure and recreation value, including the improvement and promoting walking and cycling access. The redirected right of way will allow public access to canal for occupants of the site and residents of surrounding areas, and therefore the development is in accordance with the requirements of these policies.
- 66. With appropriate conditions, the development would not have a detrimental effect upon highway safety and adequate provision is made for the parking and manoeuvring of vehicles associated with the proposed development in accordance

with BCCS Policies CSP4 TRAN2, TRAN4 and TRAN5 and Saved UDP Policy DD4.

Protected Wildlife Species

- 67. Saved UDP Policies DD10 and NC6 of the UDP require that the effects of development proposals on wildlife features are taken into account in new development schemes.
- 68. The NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 69. The site is adjacent to the Stourbridge Canal Site of Local Importance for Nature Conservation (SLINC) and within Linear Open Space (see Figure 1 below). It is part of a very significant wildlife corridor which connects Buckpool and Fens Pool to the wider countryside. The site itself comprises of hardstanding, with scrubs species and rough grassland, and some mature trees and dense scrub.
- 70. An Extended Phase 1 Habitat Survey has been submitted assessing the site for evidence of protected species. Survey work included assessment of all trees within the site for evidence of potential roosting bats. The Nature Conservation Officer advised that Lesser horseshoe bats will be using the canal and site to move to known roosts in the former works adjacent to the site. The survey provided does not take into account non-roost bat usage and therefore falls short of acknowledged standards. There are also concerns raised about the proximity of the development close to the canal, resulting in light pollution and severance of flight paths.
- 71. However, it is acknowledged that the site itself is not high quality; the submitted survey confirmed that no protected species were evident on site. The NPPF is clear that LPA's should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 72. The Habitat Survey make recommendations in respect of the future development works on the site and how potential impacts on wildlife species can be mitigated, these include;

- Compensating for the loss of habitat such as planting native trees and scrub native incorporated into the proposals.
- Retained trees should be protected from damage during works by maintained fenced Root Protection Areas.
- To avoid disturbance of breeding birds when remove woody vegetation.
- Provision of bird boxes
- 73. Furthermore there is a requirement for on-site planning obligation to provide Nature Conservation Enhancements; these could include the provision of a lighting scheme which is at a low level and with low lux levels that would not deter bat foraging or flight path and the provision of bat roost boxes, affixed to trees or dwellings within the development site.
- 74. Finally, it must also be acknowledged that a previous scheme to use this site for residential purposes was approved by the Council, subject to imposition of relevant conditions to protect wildlife interests. It would therefore be difficult to sustain refusal on these grounds.
- 75. The adjacent canal is a designated wildlife site (River Stour and Stourbridge Canal Site of Local Importance for Nature Conservation). It is evidently an active wildlife corridor with protected species known to use it. This means many species (including those with legal protection) can easily colonise the development site making frequent surveys and assessments a necessary approach. Conditions should therefore be imposed to ensure that the development is carried out in accordance with these recommendations to compensate for any potential damage.
- 76. As long as relevant conditions are attached to implement the recommendations, it would be in accordance with Saved UDP Policy NC6 Wildlife Species and BCCS Policy ENV1 Nature Conservation.

Planning Obligations

77.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.

- 78. Policy DEL1 requires all new developments to be supported by sufficient on and offsite 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.
- 79. 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.
- 80. Following consideration of the above tests the following planning obligations are required for this application:

On-Site Provision (to be secured by condition)

- Economic and Community Development Statement
- Electric charging points
- Nature Conservation Enhancements
- Public Art
- Public Realm
- 81. It is considered that this contribution meets the necessary tests as stated above in that it contributes to the delivery of a sustainable development, will be provided directly on the development site itself and is deemed to be in scale and kind to the proposed development.

Affordable Housing and Viability Appraisal

82. The development would ordinarily trigger the requirements for on-site affordable housing in accordance with BCCS Policy HOU1 (the policy requires 25% of the dwellings to be affordable on sites of 15 dwellings or more).

- 83. A Delivery and Viability Report has been prepared by Savills on behalf of Morris Homes (Midlands) Ltd in support of the redevelopment of the land to the rear of Former Stuart Crystal Works, High Street, Wordsley. It is submitted in support of the Planning Application for the residential development of this parcel of land (application site) and has regard to the delivery costs taking into account the remediation and anticipated conversion costs to the linked delivery of the front parcel of Former Stuart Crystal Works which has been ear marked for the provision of a Glass Museum, and conversion of the Listed Buildings to commercial and apartments. This report establishes a baseline position for development viability to assist in the negotiation of fair and reasonable S106 contributions and a viable provision of affordable housing for the planning Application.
- 84. The applicant's Viability Report based on a zero contribution towards S106 and a nil contribution to affordable housing, establishes that the scheme is marginally viable without any contributions and that any provision for Section 106 contributions of affordable housing would make the scheme unviable.
- 85. The appraisal therefore illustrates to the Local Authority that the viability of the proposed scheme including all costs associated with bringing the development forward is extremely sensitive taking into account the assumed revenue from the development of the Museum to the front parcel and the income of the residential land from the sale to Morris Homes.
- 86. In the event the Local Authority were to require elements of the planning gain then the costs of such would make the residential development of the rear of the site (application site) unviable at the current contracted land value. On this basis no affordable housing or other financial contribution are to be provided, the applicant claims that any such requirement will severely impact on the economic viability and development potential of the scheme and the ambition to restore the adjacent Listed Buildings.
- 87. At the time of producing this report Officers were assessing the submitted information with a view to determining the equivalent off-site financial contribution required in lieu of affordable housing being provide on-site. This would require a legal agreement with a claw back clause to require the payment of a financial sum equivalent to the off site provision of affordable housing in the event of the listed building/museum development not occurring coming forward for development. This

is necessary as the residential development (and lack of obligations) is effectively 'enabling' the future development of the adjacent site. Further advice on this matter will be provided in the pre-Committee note.

88. It is considered that this development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

New Homes Bonus

- 89. 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.
- 90. 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.
- 91. The Bonus 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.
- 92. This proposal would provide 48 dwellings generating a grant of 48 times the national average council tax for the relevant bands per annum for 6 years.
- 93. Whilst this is a significant sum of money the planning merits of the proposal are acceptable in any event and therefore this is not accorded significant weight.

CONCLUSION

94. The application constitutes the re-use for residential purposes of previouslydeveloped, vacant land, which would integrate well with its surroundings and with an appropriate form of layout and design provides the opportunity to revitalise and regenerate this part of the Borough. The proposal respects the character and distinctiveness of the area making a positive contribution to place making through high quality design and will enhance the Conservation Area's special architectural and historic interest and the adjacent canal network. This development would also facilitate the renovation and bringing back into use adjacent Listed buildings which are of historical importance to the Borough. On-site planning obligations would be secured by condition. The proposal would comply with the National Planning Policy Framework (NPPF), Black Country Core Strategy, Saved UDP, and adopted Supplementary Planning Documents.

RECOMMENDATION

- 95. It is recommended that the application is approved subject to:
 - a) The applicant entering into a Section 106 Legal Agreement for a financial contribution to an appropriate level of off-site affordable housing in the event that the site edged in blue on the location plan (front parcel of Former Stuart Crystal Works) does not come forward for development detailed within the Delivery and Viability Report dated March 2013, within 3 years of the approval of this application;
 - b) That the applicant be invited to make an application to the Secretary of state, under Section 247 Town & Country Planning Act 1990 to close, create and improve highways as shown on Dwg. No. 215/11 Stopping Up Plan to enable development authorised by planning permission to take place. The full costs and works to the Local Authorities satisfaction shall be met by the developer
 - c) the following conditions:

REASON FOR THE GRANT OF PLANNING PERMISSION

The application constitutes the re-use for residential purposes of previously-developed, vacant land, which would integrate well with its surroundings and with an appropriate form of layout and design provides the opportunity to revitalise and regenerate this part of the Borough. The proposal respects the character and distinctiveness of the area making a positive contribution to place making through high quality design and will enhance the Conservation Area's special architectural and historic interest and the adjacent canal network. This development would also facilitate the renovation and bringing back into use adjacent Listed buildings which are of historical importance to the Borough. On-site planning obligations would be secured by condition. The proposal would comply with the

National Planning Policy Framework (NPPF), Black Country Core Strategy BCCS Policies CSP2 - Development outside the Growth Network, CSP4 - Place Making, HOU1 -Delivering Sustainable Housing Growth, HOU2 – Housing Density, Type and Accessibility, TRAN2 – Managing Transport Impacts of New Development, TRAN5 – Influencing the Demand for Travel and Travel Choices, ENV1 – Nature Conservation, ENV2 – Historic Environment and Local Distinctiveness, ENV3 – Design Quality, ENV4 – Canals, ENV5 -Flood Risk, Sustainable Drainage Systems and Urban Heat Island, ENV6 - Open Space Sport and Recreation, ENV7 - Renewable Energy, ENV8 - Air Quality, DEL1 -Infrastructure Provision, Saved UDP Policies - DD1 - Urban Design, DD4 - Development in Residential Areas, DD9 - Public Art, DD10 - Nature Conservation and Development, AM13 – Public Rights of Way, NC6 - Wildlife Species, NC10 – The Urban Forest, HE4 Conservation Areas, HE6 Listed Buildings, HE7 Canals, S02 Linear Open Space, S03 Access and Enhancement of Green Belt and Linear Open Space, EP6 Light Pollution, EP7 Noise Pollution and Supplementary Planning Documents Parking Standards – Review (2012), New Housing Development, Nature Conservation, Planning Obligations, Historic Environment and The Glass Quarter.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy (2011), the Saved UDP (2011) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

INFORMATIVE NOTE – THE COAL AUTHORITY

ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at <u>www.groundstability.com</u>

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

British Waterways Informative

With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution, erosion, increase in water levels etc.

All works should comply with the 'Code of Practice for Works Affecting British Waterways. a copy of which is available on our website.

British Waterways offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

Conditions and/or reasons:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- The development hereby permitted shall be carried out in accordance with the following approved plans: E911/P: LP01/Rev A, PL01/Rev F, HTWHA/02/Rev A, HTDID/02, HTSTAU/02, HTWIL/02/Rev B, HTSUT+/02/Rev A, HTDUN2/02/Rev A, HTDAL/02/Rev A, HTCAP/02/Rev A, HTBRA+/02/Rev A, HTWIL/48/02/Rev C, HTBOL2SA/02, HTHOU2/02/Rev A, HT29-43/01, First floor layout plan of apartments 29-43, HT29-43/03, HT29-43/04, HT18-28/01, HT18-28/02, HT18-28/03, HT18-28/04. E911/GR2-1, GR1. BA940: 003/Rev E, 004/Rev E, 006, 010/Rev A, 011/Rev A, 012, 020/Rev D, 021/Rev D, 022/Rev C, 023/Rev D, 024/Rev D, 025/Rev D, 026/Rev D, 027/Rev E, 029/Rev C, 030/Rev D, 031/Rev D, 100/Rev B, 101/Rev B, 110/Rev B, 111/Rev B, 112/Rev B, 113/Rev B, 114/ Rev B, 115, 116. F1-1, F2-3, 12039/1.
- 3. 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.

- 4. Prior to the commencement of development, details of the types, colours and textures of the materials to be used on the external surfaces (including windows and doors) 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.
- 5. 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.
- 6. 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.

- 7. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development. Any new trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 8. The dwellings shall not be occupied until the area shown for the access, car parking, and manoeuvring area on the plan numbered E911/P/PL01/Rev F has been graded, levelled, surfaced, drained and marked out in accordance with the agreed scheme and that area shall not thereafter be used for any other purpose unless otherwise agreed in writing with the local planning authority.
- 9. Notwithstanding the plans approved, the car parking serving the apartments shall remain unallocated for the lifetime of development and shall not thereafter be used for any other purpose unless otherwise agreed in writing with the local planning authority.
- 10. Prior to first use of the development hereby approved, cycle parking spaces shown on plan numbered E911/P/PL01/Rev F should be implemented in accordance with the approved details and maintained for no other purpose for the life of the development.
- 11. Prior to commencement of development, details of the emergency link from Vine Street and its associated vehicular restraint measures shall be submitted to and approved in writing by the LPA. The agreed details shall be implemented in accordance with the approved details prior to first occupation and maintained for the life of the development.
- 12. Prior to commencement of development, details of the highway improvement works on the section of Vine Street to the north-east of the development site shall be submitted and approved in writing by the LPA. The agreed details shall be implemented in accordance with the approved details prior to first occupation and maintained for the life of the development.
- 13. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected across the site. The boundary treatment shall be carried out in accordance with the approved details shall be and completed before the dwellings are occupied.
- 14. No development shall commence until details of nature conservation enhancement works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works 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.

- 15. No development shall commence until details of public realm works have been submitted to and approved in writing by the Local Planning Authority. The public realm works 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.
- 16. No development shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art 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.
- 17. No development shall commence until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement 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. The development shall be implemented in accordance with the approved Statement and retained in accordance with the Statement for the lifetime of the development.
- 18. No development shall commence until details of the design, size, location, artwork and text for an interpretation panel have been submitted to and approved in writing by the Local Planning Authority. The Interpretation Panel shall thereafter be installed in accordance with the approved details prior to the first occupation of the development and shall be maintained for the life of the development.
- 19. 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. The Electric Charging point(s) 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.
- 20. Prior to the commencement of development, details of biodiversity measures to be incorporated into the development in line with those recommended in the Ecological Appraisal dated May 2012 shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in accordance with the approved details.
- 21. No works should commence, or continue, if the most recent protected species survey and assessment is over 12 months old at the commencement of development, and work should cease if it becomes more than 12 months old during construction, until it is replaced with a version less than 12 months old. These surveys and assessments must be of, or above, the standard detailed within the Nature Conservation SPD. All of these must be submitted to and approved in writing by the Council before any works commence (or continue). All works must be carried out in accordance to the approved plan.
- 22. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:
 - Investigation into the feasibility of the use of soakaways.

- Limiting any outflow rate to no greater than greenfield rate equivalents.
- Provision of sufficient attenuation storage in the design event.
- Details of how the scheme shall be maintained and managed after completion.
- 23. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 12039, 09.05.12) and the following mitigation measures detailed within the FRA: The provision of a flood flow route as shown on drawing: Drainage Strategy
- 24. No 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), shall take place until a scheme that includes the following components 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- planning authority. The scheme shall be implemented as approved.
 25. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 26. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 27. No infiltration of surface water drainage into the ground or groundwater is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
- 28. Notwithstanding the plans submitted, prior to the commencement of development, details shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate that suitable barriers and boundary treatments can be provided to prevent the risk of vehicles from entering the waterway. The development shall

subsequently be implemented in accordance with the agreed details unless otherwise agreed in writing.

29. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:

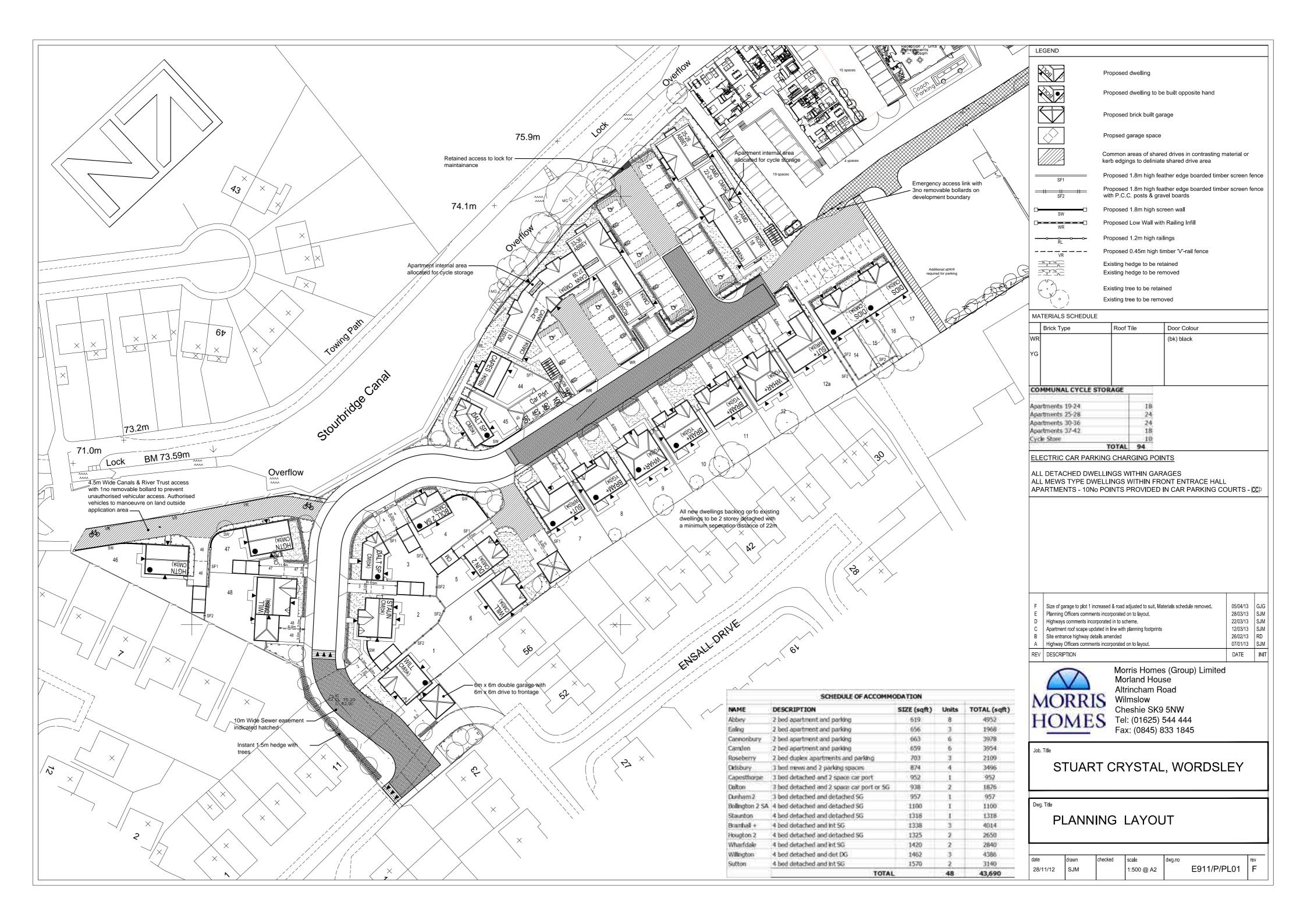
a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.

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.

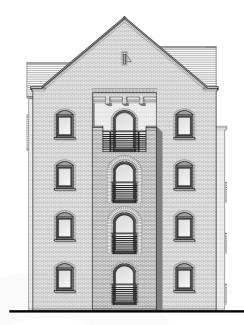
c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 5.2 of British Standard BS: 5837 – 2005 'Trees in Relation to Construction – Recommendations'.

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'.

- 30. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.
- 31. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.







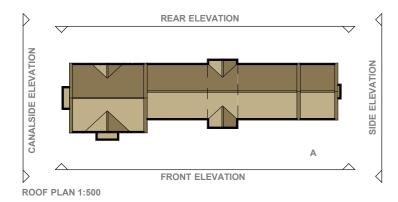
CANALSIDE ELEVATION

FRONT ELEVATION



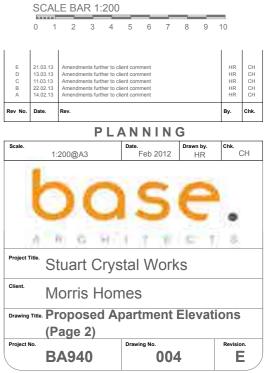


REAR ELEVATION



SIDE ELEVATION

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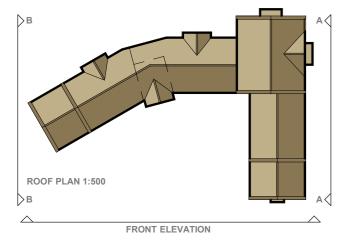
SIDE ELEVATION A





SIDE ELEVATION B

CANALSIDE ELEVATION (opened out)



SCALE BAR 1:200

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STREET ELEVATION A



STREET ELEVATION B

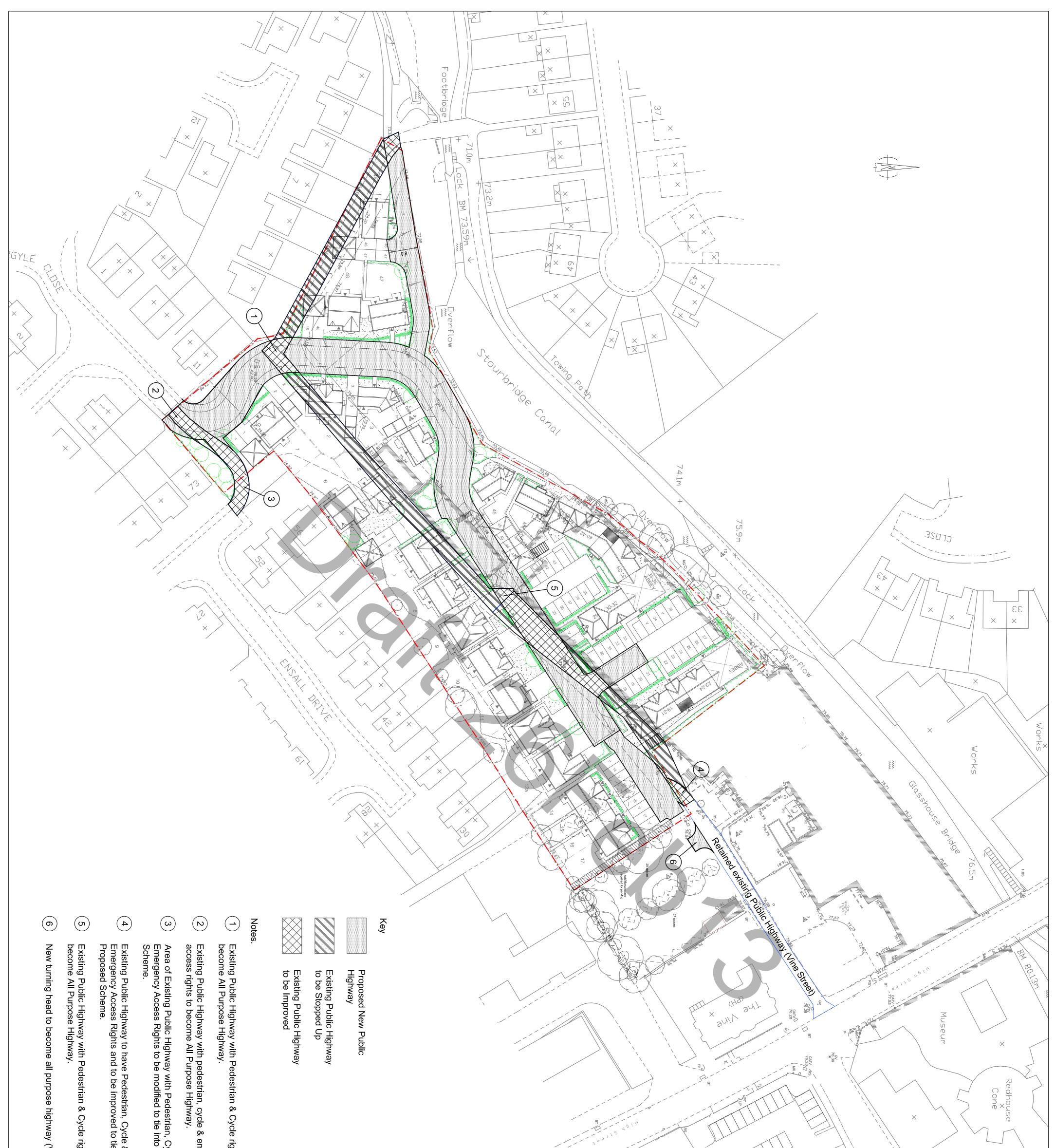


STREET ELEVATION C

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SITE PLAN

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Project Proving Drawing Drawing No. 215/11 Common March 11/07 Content: 11/07 Content: 11:500 @ A1 Revision Content: 11:500 @ A1 Content: 11:500	 Rev A. FHIL JONES ASSOCIATES transport planning consultants The Innovation Centre, 1 Devon Way, Longbridge Technology Park, Birmingham, B31 2TS. Tel: 0121 222 5422 Fax 0121 222 5423 admin@philjonesassociates.co.uk Www.philjonesassociates.co.uk CDD 		