

PLANNING APPLICATION NUMBER:P05/2527

Type of approval sought	Outline Planning Permission
Ward	Wollaston & Stourbridge Town
Applicant	Quadrant Land Partnership and Rolla V
Location:	ROLLING MILLS SITE, BRADLEY ROAD, STOURBRIDGE, WEST MIDLANDS
Proposal	OUTLINE RESIDENTIAL (ALL MATTERS RESERVED)
Recommendation Summary:	DECISION DELEGATED TO THE DIRECTOR OF DUE FOR APPROVAL SUBJECT TO A 106 AGREEMENT OR REFUSAL

SITE AND SURROUNDINGS

1. This is a 1.7 hectare former industrial site situated on the edge of Stourbridge Town Centre. The site is bounded by residential properties on Bradley Road to the south and the Stourbridge Canal to the north. The canal separates the site from another industrial area. To the east and west are a number of industrial and commercial premises. There are a number of buildings of historic interest in the immediate vicinity of the site, including the Bonded Warehouse. These buildings are accessed from Canal Street which separates the site from the canal. The River Stour runs through the site.

PROPOSAL

2. Outline consent is sought for residential development of the site, with all matters of detail being reserved for subsequent approval. An indicative layout has been submitted showing a mixed development of apartments and houses, with access to the site via Canal Street and Bradley Road.

HISTORY.

3. None relevant to the determination of the application.

PUBLIC CONSULTATION

4. A letter of objection has been received from Stourbridge Navigation Trust Ltd based on Canal Street. The following issues, relevant to the determination of the application, have been raised:
 - Intrusion into the Conservation Area;
 - The junction of Canal Street with the A491 High Street is extremely dangerous;
 - Increased traffic along Canal Street would be a considerable danger to the public and may potentially cause damage to Canal Street (a historic, cobbled street);

- The site is at risk of flooding;
- The site is heavily contaminated;
- The proposal is contrary to the UDP, and the application is premature as the Stourbridge Masterplan has yet to be drafted.

OTHER CONSULTATION

5. The comments of the Environment Agency relating to flood risk are summarised in the Assessment section below.
6. British Waterways has requested that Section 106 monies to be made available to allow improvements to the condition of the towpath and access points to the canal, new and improved facilities for boaters, and improvements and enhancements of existing canal structures.
7. English Nature recommends that the proposed mitigation measures outlined in the applicant's Ecological Appraisal report are implemented prior to the commencement of development.
8. The comments of the Head of Traffic and Road Safety and the Head of Environmental Protection are summarised in the Assessment section below.

RELEVANT PLANNING POLICY

9. The following UDP policies are relevant in this case:

- Policy NC5 (Sites of Local Importance for Nature Conservation);
- Policy NC6 (Wildlife Species);
- Policy DD11 (Water Courses);
- Policy H5 (Affordable Housing);
- Policy STC2(XVI) (Block 16 Canalside);
- Policy S02 (Linear Open Space);
- Policy HE4 (Conservation Areas);
- Policy DD6 (Access and Transportation Infrastructure);
- Policy DD8 (Provision of Open Space, Sport and Recreation Facilities);
- Policy DD10 (Nature Conservation and Development);
- Policy H3 (Housing Assessment Criteria);
- Policy HE7 (Canals);
- Policy HE8 (Archaeology and Information);
- Policy EP4 (Development In Floodplains);
- Policy EP7 (Noise Pollution)

10. PPS 9 (Biodiversity and Geological Conservation) and PPG3 (Housing) are also relevant to the determination of the application.

ASSESSMENT

11. In consideration of this planning application, the starting point is the development plan for the Borough. Section 38 (6) of the Planning and Compulsory Purchase Act states that any determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 38 (3) of the Act states that the 'development plan' is the Regional Spatial Strategy for the region in which the area is situated and the development plan documents which have been adopted or approved in relation to that area (in Dudley's case the adopted Unitary Development Plan).
12. The site falls within Block 16 'Canalside' of Stourbridge Town Centre (Policy STC2(XVI) applies). Block 16 is identified as being a unique historical area, which includes the Stourbridge Branch Canal Conservation Area and the Bonded Warehouse. The area suffers from being isolated from the town centre and needs to be better linked to the town, both to add to and to benefit from its revitalisation. The River Stour is hidden from view by the existing buildings in the area and needs to be opened up and exploited as a feature. Residential

development within the area is considered to be acceptable, subject to careful consideration of proposed means of access and the impact of surrounding uses. Redevelopment of this site would also be consistent with the aim of Policy HE7 of the UDP which is to improve the recreational, historic, environmental and nature conservation value of the canal network.

13. Policy H3 of the UDP sets out the following criteria against which the suitability of a residential proposal should be assessed:

- a) The re-use of vacant or underused sites that are not allocated or required for another use

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

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

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

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

The applicant has submitted a Transport Assessment which concludes that the levels of traffic generated by the proposed development can satisfactorily be accommodated on the local road network. The Head of Traffic and Road Safety has advised that the principle of residential development is acceptable at this site, subject to access from Canal Street being prohibited (as it cannot accommodate the volume of traffic likely to be generated by the development). This will result in an increase in traffic along Bradley Street and Lowndes Road in the immediate vicinity of the site and at the junction of Lowndes Road/Enville Street. In view of this it is recommended that a condition be imposed requiring a Local Safety Assessment scheme to be submitted as part of a reserved matters submission. The findings of the assessment may involve the implementation of minor highways improvements, traffic calming measures and traffic regulation

orders. It is also recommended that a Safer Routes to School study be undertaken at the reserved matters stage as the development will result in an increased number of schoolchildren in the area.

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

The applicant's ground investigation report identifies that past industrial activities at the site may have resulted in contamination. It is recommended that a detailed site investigation be submitted to determine the extent of contamination and the formulation and implementation of appropriate remedial measures.

The Environment Agency originally objected to the development on the grounds that the site lies within an area at risk of flooding. The applicant has now submitted a Flood Risk Assessment in order to demonstrate to the EA that the development can proceed without creating an unacceptable flood risk either to future occupants or elsewhere. The EA has subsequently advised Officers that it is currently assessing the submitted information and will not be in a position to provide comment until August, but has suggested conditions to be imposed on the permission if the FRA is approved.

Policy EP7 of the UDP requires new development subject to high noise levels to include measures to reduce noise intrusion to an acceptable level. A Noise Climate Report has been submitted which identifies that a workshop to the east of the site generates noise levels undesirable to residential amenity. The Head of Environmental Protection has expressed concern about potential disturbance to future occupants from noisy activities emanating from this industrial unit. Monitoring results have indicated that noise from the unit would be likely to lead to complaints at some distance into the site, and that at present only approximately 50% of the site would be developable. The applicant's noise report does not include any mitigation measures which the Head of Environmental Protection considers would satisfactorily reduce noise intrusion to an acceptable level. It is critical therefore that, should permission be granted, an appropriate combination of ameliorating measures (including careful siting of buildings, internal layout of rooms, acoustic treatment and boundary treatment) is proposed at the reserved matters stage to ensure that the majority of the site is developable with regard to potential noise impacts from the industrial unit in question.

The applicant's Air Quality Assessment indicates that the site has an acceptable air quality standard.

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

Housing would be provided in close proximity to, and with good non private car linkages with, the Stourbridge Town Centre. This will help to support services, businesses and facilities within the Centre, and will help to stimulate its regeneration.

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

The site lies within a Conservation Area (Policy HE4 of the UDP applies) and has listed buildings within the immediate vicinity. The aim of Policy HE4 is to safeguard and seek to enhance Conservation Areas – the redevelopment of the site should not, in principle, cause harm to the Conservation Area setting (in this respect the Head of Traffic and Road Safety’s assertion that Canal Street should not be used to access the site will help to safeguard its historic fabric); indeed, at the reserved matters stage, an appropriate layout can be sought

which actually enhances the area and the setting of the listed buildings in relation to the development site.

The site potentially contains archaeological features and deposits relating to the early phases of the Stourbridge Rolling Mills. The applicant's archaeological appraisal (submitted in accordance with the requirements of Policy HE8 of the UDP) recommends that a 'watching brief' during groundworks is therefore carried out as an appropriate mitigation strategy.

14. Policy DD10 of the UDP states that the Council will ensure that the effects of development proposals on wildlife and geological features are taken into account in new development schemes. The site is located on a key wildlife corridor for both the Borough and the Black Country and is within a SLINC. Several European Protected Species have been recorded in the area, including bat species and otters. Policies NC5 and NC6, in addition to PPS9, require local authorities to maximise opportunities for biodiversity benefits in development proposals. It is therefore recommended that, should permission be granted, a condition be imposed requesting details of a riverside enhancement plan to be submitted to include provision at the site for wildlife species, and that the future development of the site should take place in compliance with these details.

15. The proposal offers an unparalleled opportunity to open up the culverted stretches of the Stour in accordance with Policy DD11 which requires developments to maintain or enhance the quality and value for nature conservation of existing water courses and their floodplains, and also requires development to restore the open watercourse where a culverted watercourse exists on site. This part of Stourbridge suffers from poor environmental quality and the river, in particular, has suffered from past development. Local amenity would be vastly improved by redevelopment of the site and opportunities for riverside recreation could be incorporated as part of any future development proposals. Opening up the culverted areas would also help to deliver the benefits for biodiversity required by PPS9 in terms of improving habitat for a number of priority species and enhancing the connectivity of the Stour SLINC and wildlife corridor. This approach would be also be consistent with the aims of Policy S02 of the UDP which advises that where redevelopment occurs within Linear Open Space, the Council will look for opportunities to enhance its openness and wildlife corridor function.

16. The site remains poorly served and isolated in respect of existing, off-site readily accessible open space areas. Given the number of dwellings which could potentially be

accommodated at a site of this size there would be a requirement for on-site public open space provision, the exact amount to be considered at the reserved matters stage, in accordance with Policy DD8 of the UDP. This open space could potentially be transferred to the Council for ongoing maintenance, providing a valuable recreational facility in this part of the town centre. At the reserved matters stage Officers may consider it appropriate for a small amount of off-site open space to be provided, to be made up by a Section 106 commuted sum payment (as a 'balance' against potential under-provision of on-site open space). Due to the restrictive nature of the site in terms of its size and shape however it would not be possible to provide on-site childrens play facilities – these will instead be required off-site, via a Section 106 Agreement.

17. The development would trigger the requirements for on-site affordable housing in accordance with Policy H5 of the UDP (the policy requires 30% of the dwellings to be affordable on sites of 1 hectare or more or 25 units or more).
18. PPG3 provides guidance on a range of issues relating to the provision of housing. The guidance identifies that sustainable patterns of development can be achieved by concentrating most additional housing development within urban areas,

making more efficient use of land by maximising the re-use of previously developed land, thereby promoting regeneration and minimising the amount of Greenfield land being taken for development. The reuse of this former industrial site for residential purposes is clearly in accordance with this aspect of PPG3 advice.

CONCLUSION

19. The application constitutes the re-use for residential purposes of previously-developed, vacant land close on the edge of a town centre, which with an appropriate form of layout and design, would provide the opportunity to revitalise and regenerate this part of the Borough. The proposal complies with the relevant policies of the adopted UDP and the advice given in PPG3, and as such approval is recommended. Approval of this application cannot be given until confirmation has been received from the Environment Agency that the information submitted by the applicant satisfactorily demonstrates that the site would not be liable to flood risk.

RECOMMENDATION

20. It is therefore requested that delegated authority is given to the Director of the Urban Environment to determine the application and to refuse should the EA not be satisfied with the

information provided. In the event that EA confirms that the site would not be liable to flood risk the application will be approved subject to:

- d) The applicant entering into a Section 106 Legal Agreement for a contribution to on-site recreational public open space provision, off-site provision of children's play facilities, affordable housing, and improvements to the canal;
- e) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary
- f) In the event that the Section 106 agreement has not been completed within *two* months of the resolution to grant approval, the application will be refused if appropriate.

Conditions and/or reasons:

1. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereafter called the ('reserved matters')) shall be obtained from the Local Planning Authority before any development is begun.

2. Application for reserved matters approval must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission; and the development to which the permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
3. This outline permission does not relate to the layout, or authorise the erection of any buildings, shown on the plans accompanying the application.
4. None of the dwellings shall be occupied until works for the disposal of foul and surface water drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
5. Development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority.
6. Development shall not begin until details of the existing and proposed levels of the site, which should be related to those of adjoining land and highways, have been submitted to and approved by the local planning authority.
7. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of contaminants and permit the risk based assessment of the development site. Where the investigations identify the presence of contamination, development shall not begin until a scheme to protect the development from the effects of such contamination has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before

the development is first occupied; and be retained throughout the lifetime of the development.

8. Development shall not begin until a comprehensive written site investigation strategy (in a form to be agreed by the local planning authority), has been submitted to and approved by the local planning authority. Such a strategy shall facilitate the identification of methane & carbon dioxide. Where the investigations identify the presence of methane and/or carbon dioxide the development shall not begin until a scheme to protect the development from the effects of such gases has been submitted to and approved by the local planning authority. Such a scheme shall: include provisions for validation monitoring & sampling; be implemented in accordance with the approved details before the development is first occupied; and be retained throughout the lifetime of the development.
9. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations have been submitted to and approved by the local planning authority.
10. No development shall commence until details of the proposed boundary treatment of the site have been submitted to and approved in writing by the local planning authority
11. The buildings shall not be occupied until the areas shown for car parking on the approved plans have been surfaced and marked out, and those areas shall thereafter be retained in perpetuity and used for no other purpose than the parking of vehicles
12. No development shall commence until a landscape strategy plan has been submitted to and approved in writing by the local planning authority. The landscaping of the site shall thereafter be implemented in accordance with the approved plan
13. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 12 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development whichever is the sooner; and any trees, hedgerows or plants contained in the approved planting scheme which within a period of 5 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 consent to any variation.

14. Development shall not begin until a scheme for protecting the proposed dwellings from noise from industrial units adjacent to the site has been submitted to and approved by the local planning authority, and all works which form part of the scheme shall be completed before any of the permitted dwellings is occupied.
15. No works of construction, level changes, regarding or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved by the local planning authority, such archaeological work to comprise a suitably targeted watching brief with appropriate provision for archaeological investigation and recording and subsequent analysis, reporting and archiving
16. No development approved by this planning permission shall be commenced until:
 - a) a site investigation has been submitted to and approved in writing by the local planning authority, relating to groundwater and surface waters on and off the site that may be affected;
 - b) the site investigation has been undertaken in accordance with the approved details;
 - c) a Method Statement detailing the remediation requirements has been submitted to and approved in writing by the local planning authority;
 - d) the remediation works have been undertaken in accordance with the approved details.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor
18. 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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for an addendum to the Method Statement. This addendum must details how this unsuspected contamination can be dealt with
19. Upon completion o the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
20. The development hereby approved shall only take place in accordance with the recommendations set out in Section 6 of the Ecological Appraisal dated June 2005, commissioned by Wardell Armstrong.
21. Prior to the commencement of development a riverside habitat enhancement plan to include provision for bats, otter, water vole, kingfisher and grey wagtail must be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
22. Prior to the commencement of development, and between the months of April and August, a re-survey for water vole and breeding birds (including black redstart), shall be carried out and protective measures, as required, shall be incorporated into the development.

23. Prior to the commencement of development a plan for the treatment of Japanese knotweed shall be submitted to and approved in writing by the local planning authority. This plan shall include provision for long-term monitoring of this species and contingencies for removal or recolonisation.
24. No development shall commence until a Local Safety Scheme assessment has been submitted to and approved in writing by the local planning authority.
25. No development shall commence until a Safer Routes to School study has been undertaken and approved in writing by the local planning authority.

