

PLANNING APPLICATION NUMBER:P06/0182

Type of approval sought	Reserved Matters
Ward	Brierley Hill
Applicant	Mr Mark Kowalski, Barratt West Midlands
Location:	FORMER ROYAL BRIERLEY CRYSTAL WORKS, NORTH STREET/MOOR STREET, BRIERLEY HILL, WEST MIDLANDS
Proposal	RESERVED MATTERS APPLICATION FOR THE ERECTION OF 179 HOUSES, FLATS, ACCESS ROADS, ASSOCIATED GARAGING AND CAR PARKING
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. This 4.0 hectare site consists of two distinct areas which were formerly occupied by the Royal Brierley Crystal glass works and are split by North Street which runs through the site in its namesake direction. The western 1.30 hectare site is bounded by North Street, a railway to the west, an industrial estate to the south and the Grade II listed original (Royal Brierley Crystal works to the North. The eastern 2.70 hectare area is bounded by North Street to the west, Moor Street to the north, industrial premises to the east and residential properties to the south off Carder Drive.
2. The western section of the site is generally located some 3m below the level of North Street whereas the eastern section slopes down over 7m from Carder Drive to Moor Street. The east section of the site is generally cleared but does contain some vacant industrial buildings from North Street Industrial Estate.

PROPOSAL

3. This application is for the approval of reserved matters for the siting, design, external appearance and landscaping of the site following Outline approval in 2005, for means of access.
4. Submitted details indicated the development of the site with 179 dwellings consisting of:
 - 4 two bedroom houses
 - 41 three bedroom houses
 - 22 four bedroom houses
 - 7 five bedroom houses
 - 104 two bedroom apartments
 - 1 one bedroom apartment
5. The smaller western section of the site would accommodate 33 two bedroom and 1 one bedroom flats and 20 houses. 31 of the two bedroom flats are located with a 3/4 storey single aspect linear block which is designed to screen the site from noise from the railway and a waste transfer site. Access would be from Baxter Road only as previously approved.
6. The larger eastern section of the site would accommodate 71 two bedroom flats and 54 houses. The flats are proposed at the northern edge of the site predominantly to the Moor Street frontage in two, three and four storey linear blocks which turn the corner into the development site. Two of the two storey blocks to the north-east corner of the site are single aspect and designed to shield noise from the adjacent industrial estate. Flats to the Moor Street frontage will similarly screen the majority of the core of the site from traffic noise on that road. Houses throughout the rest of this area are laid out to provide for secure outward facing perimeter blocks or to have rear gardens screened with high walls or changes in level.

7. In order to protect dwellings from noise from industrial premises to the east, a substantial 3m high brick noise barrier is shown on plan. Further barriers are indicated to the western section of the site to screen houses from industrial premises and noise. An indicative landscape strategy proposes that landscaping of the development would be undertaken.

HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
P03/0122	Residential Development Outline (including means of access)	Approved subject to S106 agreement	01/07/05
P03/0107	Listed Building Consent for conversion of 1870 Glassworks into 37 flats with basement fitness suite and two dwellings	Approved	20/12/04
P03/0123	Conversion of Glassworks into 37 flats and conversion of Managers House/Weighbridge into 2 dwellings	Approved	04/08/05

PUBLIC CONSULTATION

9. This application has been subject to statutory publicity in the press, by site notice and direct notification. One letter of objection has been received from the director of a manufacturing company located to the east of the site, on the basis of potential noise impacts on residential premises leading to complaints which may comprise future

business operations. Concerns are also raised relating to increased traffic congestion and potential overlooking of office accommodation by new properties.

10. Further notifications have been sent out regarding revisions to submitted plans that address two of the above points and no response or objection has been received.

OTHER CONSULTATION

11. No objection is raised by Severn Trent Water and English Heritage to submitted plans.
12. Following initial concerns raised by the Group Engineer – Development, plans have been revised a number of times by the applicants to address such issues. Conditions are attached to address any outstanding issues and no objection is raised on this basis.
13. The Head of Public Protection has been heavily involved in the processing of this application relative to noise issues and air quality. In terms of noise issues, following detailed surveys and mitigation proposals, no objection is raised, subject to the implementation of agreed measures. In terms of air quality issues, negative conditions are requested to require the provision of fine particle and nitrogen dioxide monitoring. This request receives further consideration in the assessment section at paragraph 27.
14. Issues of ground contamination and ground gases have been assessed by consultants working for the Council. Submitted details are adequate to confirm that survey and remediation measures are appropriate to address concerns relating to human health.

RELEVANT PLANNING POLICY

15. Adopted 2005 Dudley Unitary Development Plan

DD1	Urban Design
DD4	Development in Residential Areas
DD5	Development in Industrial Areas
DD6	Access and Transport Infrastructure
DD7	Planning Obligations
EP7	Noise Pollution
H1	New Housing Development
H3	Housing Assessment Criteria
H4	Housing Mix
H5	Affordable Housing
H6	Housing Density
HE6	Listed Buildings
EP5	Air Quality
UR9	Contaminated Land
RPG 11	Regional Planning Guidance

ASSESSMENT

16. The principle of residential development on this site was established by the resolution to grant outline planning approval on 24th May 2004, subject to a S106 Obligation for open space, children's play area provision, highway improvements and affordable housing. Since the release of the outline approval on 1st July 2005, the 2005 development plan has been adopted, which designates this land as a strategic housing site (35) on the proposals map, subject to Policy H1. This policy formally takes dwelling numbers expected on this site forward into the Borough Housing Land Supply required by Regional Planning Guidance to the year 2005.

17. Whilst contributing to the required approximately 13,000 dwellings required, this site is well located relative to Brierley Hill town some 400m to the east and public transport linkages. This accords with the requirements of Policy H3 which also seeks the re-use of previously developed land. In accordance with Policy H4, Housing Mix, this site also provides a mix dwelling types and sizes to cater for a range of household needs and income groups. Affordable Housing in accordance with Policy H5 and DD7 Planning Obligations will be provided with the converted listed buildings approved under P03/0123 on the adjacent site. Highway works required by the outline approval have already been implemented at the junction of North Street and Moor Street and at Baxter Road. Other elements of the S106 will be delivered on approval of this Reserved Matters application now that specific dwelling numbers are known.
18. Policy H6 Housing Density seeks to achieve the highest possible density of development, taking into account factors such as the local context, proximity to sustainable locations and the principles of good design. Overall density of development at this site would be 44.75 dwellings per hectare which relates well to the local context and makes efficient use of land in accordance with Policy H6. Design considerations will be discussed further in paragraphs 20 to 22.
19. In considering the acceptability of residential development on this site, the report on outline planning application P03/0122 identified noise issues and the location of listed buildings as matters that would define the layout and design of buildings on this site. Listed buildings being located on the eastern side of the site and consisting of the former Royal Brierley Crystal factory, Managers house, annex and chimney. Noise sources predominantly relate to the east of the site, being the railway line and waste transfer station, with other noise sources relating to traffic on Moor Street and the industrial premises to the west.
20. In order to properly address the setting of listed buildings in accordance with UDP Policy HE6 the scale, setting and design of plots 125-131 have been revised a number of times following officer advice in order to more properly frame and reflect the industrial character of the context. Changes have also been made to the layout

and form of the turning area fronting these plots to move away from residential form demonstrated adjacent to plot 148. Careful use of materials will further enhance the appearance of this area within its context. Such consideration has also been given to the scale and design of flats at plots 165-179 which relate more directly to the converted factory buildings.

21. In order to screen noise from the railway and waste transfer station to the east, flats at plots 149-179 have had to be designed as single aspect with windows facing into the site only. Recessed brick false windows will articulate the rear elevation which overlooks the parking and amenity area which is subject to no-build sewer and Rail track easements.
22. Three and four storey flats to the Moor Street entrance and corner locations relate appropriately to the scale of existing development as shown by drawing 18A, indicative street scene to Moor Street. Here the street scene context is set by the four-plus storey scale of the technical college buildings and as indicated by the outline approval, apartment blocks will screen road traffic noise from houses within the site.
23. The western boundary of the site is to be screened from industrial premises by a combination of three metre high masonry walls and single aspect Ashmore flats with false rear window elevation detailing. The wall will provide low maintenance protection to the rear of traditionally styled, split level houses on road no. 1 due to levels that rise significantly to Carder Drive in accordance with UDP Policy DD5.
24. Houses and a small number of flats throughout the rest of the development are traditionally styled and form secure perimeter blocks by backing onto other gardens. Cul-de-sacs are accessible to pedestrians via links that are directly overlooked by houses which face or have had windows inserted into gable walls to ensure good urban design in accordance with UDP Policy DD1. No adverse impacts will arise upon the amenities of existing residents in the locality in accordance with UDP Policy DD4, with appropriate amenity space and separation distance provided between dwellings.

25. In order to address the initial concerns of the Group Engineer – Development, improved visibility splays, parking levels for residents (both able bodied and disabled) and cycle storage facilities have been submitted to accord with UDP Policy DD6.
26. A number of assessments have been submitted in respect of noise impacts during the course of this application to deal with changes to plans and insulation criteria. Eventual submissions are robust and accord with requirements set out in outline approval P03/0122 to comply with UDP Policy EP7. Likewise, delayed assessments in respect of contaminated land, from risk assessment, desk top study to remediation have shown the site to be appropriate for the development in accordance with UDP Policy UR9.
27. In terms of air quality, the application site lies within the Brierley Hill Air Quality Management Area which was declared after the resolution to approve outline planning permission in May 2004. No representations were raised during the course of the outline planning application and only matters raised at that stage should be considered at this Reserved Matters stage. The Head of Public Protection has however requested that conditions be attached requiring the provision of off site air quality monitoring stations at the applicants expense and prior to the commencement of development to provide details of air quality with and without the proposed development.
28. It should be noted that the approved Brierley Hill Strategic Access Network (BSAN) proposal due to commence in the spring of this year are partly justified by the improvement the project will make to air quality. It should further be noted that prior to the grant of outline approval for residential development and the strategic designation of this land for housing by Policy H1 of the UDP in 2005, the site accommodated a glassworks and an industrial estate with numerous employees.
29. The air quality impact of the development is likely to be less than the former uses of the site, with the site being sustainably located close to a town centre/public transport links and also accommodating cycle storage/pedestrian links. In association with

improvements likely to arise from the BSAN project, the development is considered to comply with UDP Policy EP5 Air Quality. It is therefore considered that it would be unreasonable to impose conditions relating to air quality which was not raised as an issue at outline stage and which would delay the commencement of development.

CONCLUSION

30. Details submitted in respect of the approval of reserved matters for this site confirm that there will be no adverse impact upon the amenities of future occupiers of the site or its surroundings. The design and siting of development respects the setting of listed buildings and the street scene context with revised plans providing for appropriate robust screening of noise and the future interests of industrial premises in accordance with UDP Policies DD1, DD4, DD5, DD6, DD7, EP5, EP7, H1, H3, H4, H6, HE6 and UR9

RECOMMENDATION

31. Approval subject to conditions attached to outline approval P03/0122 and additional conditions with powers delegated to the Director of the Urban Environment to make amendments and alterations to these as necessary.

Reason for Approval

Details submitted in respect of the approval of reserved matters for this site confirm that there will be no adverse impact upon the amenities of future occupiers of the site or its surroundings. The design and siting of development respects the setting of listed buildings and the street scene context with revised plans providing for appropriate robust screening of noise and the future interests of industrial premises in accordance with UDP Policies DD1, DD4, DD5, DD6, DD7, EP5, EP7, H1, H3, H4, H6, HE6 and UR9

Conditions and/or reasons:

1. No development shall take place until there has been submitted to and approved by the local planning authority a detailed scheme of landscaping which accords with the landscape strategy hereby approved.
2. All planting, seeding or turfing comprised in the details of landscaping approved in accordance with condition 1 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.
3. This permission shall relate to the revised plans numbered 3351201K, 2.3, 4, 5, 6, 7, 8, 9, 10, 11A, 12A, 13A, 14, 15, 16, 18A, 19, 22B, 24, 25B, 26A, 27A, 28, 2400, 629/EAR/01, 2205/FA3/01A, 2205/NOR/01B, 2205/RIC/02A, 04A, 2205/SUT/01B, 2205/GLO/02B, 2205/MA1/01C, 33512/23, 33512/49, 33512/24.
4. No structure or erection exceeding 600 mm in height shall be placed forward of the visibility splays as shown on the plan hereby approved.