

CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 25 May 2021
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Planning application no.	20/01346/FUL and 20/01324/LBC	
Site	"Canalside", Land at Union Mill Street, Horseley Fields	
Proposal	Comprehensive redevelopment of the Union Mill and Lower Horseley Fields site, including demolition and works in a conservation area, for the change of use and provision of residential dwellings, and non-residential floor space at 16 / 16a Union Mill Street, car parking, landscaping and other associated works.	
Ward	Heath Town;	
Applicant	Union Mill Street Wolverhampton SPV Ltd.	
Cabinet member with lead responsibility	Cabinet Member for City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Phillip Walker	Senior Planning Officer
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1.0 Summary recommendation

- 1.1 Delegated authority to grant applications 20/01346/FUL and 20/01324/LBC subject to receipt of acceptable drainage and ecology details, no overriding objections from outstanding consultees, conditions and a s106 agreement.

2.0 Application site

- 2.1 This is a 2.01 ha. site, which is bounded by Horseley Fields (A454) to the south, the Birmingham Canal to the north and east, residential development to the west and a telephone exchange building and yard to the south west. On the opposite side of the canal, to the north, is the former Crane Foundry site and the junction with the Wyrley and Essington Canal. On the opposite side of Horseley Fields is Wulfruna Coal Yard and other commercial development.

- 2.2 Parts of the site are 3 metres higher than the canal, with walling and retaining walls abutting the canal and at the north western part of the site, the former Cheese and Butter Warehouse.
- 2.3 The site is partially located within the Union Mill conservation area, covering the north western and the south eastern areas of the site.
- 2.4 The north western part of the site includes historic former mill and industrial buildings, including the former Cheese and Butter Warehouse (Grade II listed); and 16A Union Mill Street (Grade II listed). There are three locally listed buildings within the same area: 16B Union Mill Street; and two buildings known as the slip dock (Units 9-18). There are other buildings, some of which are vacant, and others used for employment purposes, including vehicle repairs.
- 2.5 Historically the remainder of the site contained the Edward Vaughan Stamping Works, Shakespeare Iron Foundry and the Griffin Works, amongst other industrial operations. The majority of the buildings within this part of the site were demolished approximately twenty years ago, with the exception of a modern, brick and profiled steel clad, single storey building. This part of the site has been used by Dunton Environmental Limited since 2016 as a waste treatment hub. Dunton Environmental Limited has temporary planning permission to operate a waste transfer station on the site, but they are required to vacate the site, remove all plant and equipment and complete the required site remediation works by 18.09.2021.
- 2.6 Vehicular access is from Union Mill Street. There is also a vehicular access from the A454.

3.0 Application details

- 3.1 Applications for planning permission and listed building consent have been submitted.
- 3.2 20/01346/FUL - 366 dwellings, comprising 359 apartments and seven houses, which will be a mix of 1, 2 and 3 bedroomed properties. 266 sq.m. of flexible non-residential floor space within 16 and 16a Union Mill Street, comprising Class E Commercial, Business and Service uses and Class F.2 Local Community uses. 16 Union Mill Street would be used as a site management office.
- 3.3 Ten new buildings, ranging from two to six storeys are proposed. The buildings would be constructed predominately from brick, glazing and modern cladding systems.
- 3.4 Three existing historic buildings would be retained, including the former Cheese and Butter Warehouse and slip dock buildings, which would be converted for residential use. 16a Union Mill Street would also be retained. 16b Union Mill Street would be demolished and replaced with a modern, three storey residential building.

- 3.5 The layout of development follows the historic fan like arrangement of the Union Mill site. Simple rectilinear building footprints are proposed, and the designs are contemporary and modern but draw inspiration from the historic buildings within the area. There would be new pedestrian routes, including from the existing canal side path which currently terminates at the north-western corner of the site. The building line to the north pulls back to create new public spaces and public realm and in doing so allows for improved connectivity and views to and from the canal and offering a place for recreation and relaxation. The smaller scale buildings would be located within the north western part of the site, although the exception to this is a new build apartment block (labelled “new build four”) which is six storeys.
- 3.6 Although a bridge across the canal to the former Crane Foundry site is not proposed, there is sufficient space to provide one in the future.
- 3.7 Private, semi-private and public landscaping, including new pedestrian improvements and spaces around the canal are proposed. Some of the buildings include balconies and roof gardens.
- 3.8 Vehicle access to the north western part of the site would be from Union Mill Street. Also, a one-way system into and out of the site from A454 Horseley Fields is proposed. A further emergency access is shown from A454 at the south eastern end of the site.
- 3.9 278 secure cycle spaces and 88 car parking spaces (with 10% E.V charging and 2no car club spaces) are proposed. The proposals include a resident car sharing club which includes two vehicles and will be managed by the management company.
- 3.10 Boundary treatments to A454 Horseley Fields includes soft landscaping, and fencing.
- 3.11 The development is proposed to be constructed in four phases. The first phase of development would comprise works within the north western part of the site, off Union Mill Street. The three later phases (2, 3 and 4) would follow, with the final phase (4) comprising an area of land at the south-eastern part of the site.
- 3.12 20/01324/LBC proposes partial demolition works and the alteration, extension and reuse of the former Cheese and Butter Warehouse and 16a Union Mill Street, to allow for residential uses (within the Cheese and Butter Warehouse) and non-residential uses (within 16a Union Mill Street) including Class E Commercial, Business and Service uses and Class F.2 Local Community uses.

4.0 Recent Planning history

- 4.1 20/00786/RC. Proposed variation of condition 3 of planning permission 15/00305/FUL (waste treatment hub and site remediation) to allow for the continued use of the site as a waste treatment hub and the carrying out of site remediation works, until 18.09.2021. Granted 26.01.2021.

4.2 15/00305/FUL. Waste treatment hub and site remediation. Granted 18.09.2015.

5.0 Relevant policy documents

5.1 National Planning Policy Framework (NPPF)

5.2 The Development Plan (UDP)
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
Wolverhampton City Centre Area Action Plan

6.0 Publicity

6.1 Two representations of support and one objection have been received. Comments summarised as follows:

- This redevelopment proposal will be good for Wolverhampton and will create a much more positive first impression of the City for those visiting or just passing through on the train;
- The proposals may improve the health and welfare of existing residents;
- Concern about possible disturbance from construction works;
- The application has not demonstrated that there would be adequate residential amenity for future residents.
- The proposals are likely to generate noise and other form of complaints against adjoining businesses which if upheld could unacceptably disrupt effective operation of nearby businesses;
- Recommend that further noise assessments and details of noise mitigation measures for the proposed dwellings are submitted to demonstrate acceptable levels of amenity for future residents and to show that the proposals would not be harmful to the operation of surrounding businesses;
- The Council are required to consult the HSE as part of the planning application process under the COMAH/hazardous substances regulations.

7.0 Consultees

7.1 Historic England - no objection subject to acceptable details in respect of external materials, sections, large scale architectural details and external material sample panels, to ensure high quality design finishes.

7.2 Environmental Health - no objection subject to conditions including construction management plan, contaminated land remediation, plant and machinery, hours of demolition and construction, bin stores and refuse collection management, noise and air quality mitigation.

- 7.3 Transportation - no objection subject to planning conditions, requiring a financial contribution of £6,000 towards an assessment and improvement to the existing parking restrictions, waste management plan, submission of an acceptable car park and car share club management plan, agreement and implementation of a right-hand turn lane on Horseley Fields A454 into the site.
- 7.4 Environment Agency – No objection subject to conditions including contaminated land remediation and submission of verification reports.
- 7.5 Victorian Society – Broadly supportive of the proposals and keen to see the conservation and reuse of the listed buildings. However they are concerned about the demolition of the locally listed building at 16B Union Mill Street and its replacement building.
- 7.6 Severn Trent Water – No objections subject to a condition requiring sustainable drainage.
- 7.7 West Midlands Fire Service – No objection subject to detailed comments in respect of the fire safety.
- 7.8 Network Rail – No objection and would like to see the provision of good cycle and walking routes to the station.
- 7.9 Canal and Rivers Trust – No objection but make comments as follows:
- Drainage details, external lighting, improved signage to and on the towpath, construction environmental plan management plan, surveys and assessments to ensure that the canal washwall is protected, and site remediation should be conditioned;
 - Request a financial contribution of £30,000 towards improvements to Lower Horseley Fields access from A454, to be secured through a s106 agreement;
 - Ecology survey should be extended;
 - Recommend an improved design for the junction of the pedestrian ramp with the water's edge at the north-western corner of the site;
 - Recommend omitting the gates at the north-western corner of the site. Alternative solutions to secure the site at this position should be considered, for example through the management company and provision of external lighting.
 - Recommend mooring facilities including electricity, water and Wifi utilities provision are installed to the waters edge.
- 7.10 Staffordshire County Council (flood risk / drainage comments) – request amendments to flood risk and drainage proposals.
- 7.11 Police – Object and state that the layout of development is too permeable, and some car parking areas are not overlooked, with communal seating areas likely to attract antisocial behaviour. It is recommended against pedestrianisation of the canal side and suggest making this development into two separate developments; Union Mill area being a cul-de-sac and the remaining land area having restricted vehicle and pedestrian access. All

gable ends to include windows for surveillance and cycle stores to be with apartment blocks.

7.12 Health and Safety Executive Planning Advice – The development does not intersect a pipeline or hazard zone. HSE Planning Advice does not have an interest in this site.

8.0 Legal implications

8.1 The legal implications arising from this report are set out below SE/13052021/E.

9.0 Appraisal

9.1 The main issues in this case are:

- The principle of the development proposal
- Design and impact on heritage assets
- Access and parking
- Environmental health considerations
- Resident Amenity
- Crime and safety
- S106 obligations

Principle of development

9.2 Wolverhampton City Centre Area Action Plan Policy CA4 Canalside Quarter identifies this site as within Horseley Fields and Union Mill Street development area (Site Reference 4m). It states that housing-led mixed use development is appropriate. The principle of the development proposal is therefore acceptable.

Design and impact on heritage assets

9.3 A large part of the application site is within the Union Mill Conservation Area and includes the former Cheese and Butter Warehouse (Grade II); and 16A Union Mill Street (Grade II). There are three locally listed buildings within the same area: 16B Union Mill Street; and two buildings known as the slip dock (Units 9-18).

9.4 The character of the conservation area is largely determined by former mill and canal dock buildings, predominately constructed from brick and closely related to the canal. The proposed alterations and new uses, as well as the erection of new buildings and public realm will enhance and better reveal the significance of the heritage assets affected.

9.5 There is no objection to the demolition and alterations to the listed buildings, which involve minimal loss of historic fabric and enhancement, through careful alteration and reuse. The place-making emphasis given to the Union Mill area in terms of the layout of proposed new buildings and the improvements to public realm would enhance the conservation area.

- 9.6 The locally listed 16B Union Mill Street is in a poor structural condition and the replacement building would be of a good quality design and make a positive contribution to the setting of the listed buildings and conservation area. The loss of 16B Union Mill Street, can be accepted.
- 9.7 The layout, scale and massing of the new build elements respond to the character of the area. The use of brick work, glazed panels and metal cladding would provide visual interest. The careful consideration to roof designs, has resulted in a roof scape that creates a distinctive character. The new buildings respond appropriately to the canal side location and setting of the heritage assets and the Conservation Area, as required by Section 12 of the NPPF.

Access and parking

- 9.8 This is a highly accessible location, with excellent public transport links and acceptable car parking arrangements. There are no objections from the Council's Transportation Officers subject to planning conditions including the implementation of an appropriately designed right-hand turn lane from A454 Horseley Fields before the implementation of the 215th dwelling at the site.

Environmental health considerations

- 9.9 The application is accompanied by noise and air quality assessments and this demonstrates that there would be acceptable amenity for future residents subject to conditions in respect of noise attenuation, including glazing specification, mechanical ventilation and monitoring, and air quality mitigation including electric vehicle charging points. The careful design of the development and use of conditions mean that it is not anticipated that the use of this site for residential purposes would have adverse impacts for the operation of surrounding businesses.

Resident Amenity

- 9.10 Some of the buildings and properties are located close together. However, the design of the development will ensure good levels of privacy for residents, outlook from and sunlight to properties. This is to be achieved by the use of dual aspect layouts, particularly at above first floor level; carefully located windows so as to minimise windows being located directly opposite each other; screen panelling; along with appropriate window designs in terms of size, shape and type; siting of buildings so as to minimise opportunities for overlooking.
- 9.11 A small row of three new houses (labelled "new build one") are proposed to replace an existing boundary wall and the former workshop buildings which are positioned along the north-western boundary of the site, and to the rear of 16 and 16a Union Mill Street. Although the three houses would cover less area than the existing former workshops, they would be marginally taller than them at the boundary of the site. There would be some impact in terms of outlook from, and sunlight and daylight to the land at the rear and habitable windows serving existing ground and first floor apartments of the neighbouring development. However, there would be no windows in the elevation facing onto the existing flats, as is currently, and the impact of the new dwellings upon the amenities enjoyed by the occupiers of those neighbouring properties would not be

dissimilar to that which they currently enjoy, and as such there would not be an unacceptable impact upon existing residential amenity.

Crime and safety

- 9.12 The development has been carefully designed to deter crime, improve surveillance, connectivity and vibrancy, and all communal amenity and car parking areas will be covered by CCTV.
- 9.13 The design of the buildings is such that there will be good levels of surveillance throughout the development and this will be assisted by the pedestrianisation of the canal side.

S106 obligations

- 9.14 In accordance with adopted planning policy the following are required:
- 25% affordable housing
 - Any necessary highway works including financial contribution of £6,000 for traffic regulation orders
 - £200,000 Public Open Space Contribution to be spent on improvement, provision and maintenance of canal access at Lower Horseley Fields off A454, and open space at Hay Basin / Victoria Basin and East Park
- 9.15 The applicant is seeking a reduction in Section 106 obligations on the grounds of a lack of financial viability.
- 9.16 Should it be demonstrated that the development would not be sufficiently viable to fund all the requirements, it would be justified to reduce affordable housing and public open space contribution requirements, commensurate with the lack of viability, in order to support early development.
- 9.17 It is recommended that any reduction applies on a pro-rata basis to all dwellings that are ready for occupation within three years from the date that a lack of viability is demonstrated with the full amount applying on a pro-rata basis to all those that are not.

10.0 Conclusion

- 10.1 This development proposal would make a vital contribution to the regeneration of the City of Wolverhampton, and the delivery of the Canalside Quarter. The proposals would create a sustainable residential community close to the City Centre and the design makes the most of the canal side setting, including high quality buildings and public realm improvements, with good connections to surrounding services and facilities providing an attractive place for people. The proposals would preserve the character and appearance of the listed buildings and the Union Mill Conservation Area and are in accordance with the development plan.

11.0 Detail recommendation

11.1 Delegated authority to the Director of Regeneration to grant planning application 20/01346/FUL subject to:

1. Completion of a Section 106 Agreement to include:

For the whole development:

- Highway works, including £6,000 for traffic regulation orders

If viable:

- 25% affordable housing
- £200,000 Public Open Space Contribution to be spent on improvement, provision and maintenance of Lower Horseley Fields canal access and open space at Hay Basin / Victoria Basin and East Park

If not viable:

A reduction in affordable housing and public open space contribution, commensurate with the lack of viability with the reduction applying on a pro-rata basis to all dwellings ready for occupation within three years of the date that a lack of financial viability is demonstrated and the full requirement applying on a pro-rata basis to all those that are not ready for occupation at that time.

2. Receipt of an acceptable ecology report;

3. No overriding objections from outstanding consultees;

4. Receipt of acceptable amended drainage proposals;

5. Any necessary conditions to include:

- Phasing / Construction Phasing Plan
- Boundary treatments, including retaining walls
- External materials including hard surfacing materials
- Provision of a right-hand turn lane from A454 Horseley Fields, the details of which are first to be agreed with the local planning authority and the approved scheme provided in advance of the occupation of 215th dwelling (to include dwellings off Union Mill Street) at the site
- Contaminated land remediation
- Drainage
- Demolition and Construction Method Statement (to include hours of demolition and construction)
- Environmental Management Plan
- Levels
- Car park and car sharing club management plan
- Landscaping
- External Materials
- Large scale architectural details
- Sample panels of the external materials

- Cycle parking and pedestrian routes, including a management plan for the use and opening and closing of any access gates within the site and at key entrance points
- Cycle storage
- Bin stores and waste management plan
- Plant and machinery details
- Electric vehicle charging points
- External lighting
- Provision and retention of car parking
- Travel Plan
- Implementation in accordance with noise report: Acoustic glazing and ventilation. Internal noise monitoring to take place prior to occupation of any dwelling.
- 10% Renewable Energy
- Noise insulation for all plant and heating equipment
- Hours of construction and demolition
- Targeted recruitment and training
- Management company for external communal areas
- Implementation of landscaping
- Implement in accordance with ecology recommendations
- Provision of signage to and on the towpath
- Surveys and assessments for the canal wash wall
- Remove permitted development rights for the installation of windows in the rear (west facing) elevations of the three proposed houses (labelled “new build one”)

11.2 20/01324/LBC – Grant subject to any necessary conditions including external materials and large-scale architectural details.

