

CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 13 July 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 366 dwellings, and non-residential floor space at 16 and 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	Councillor Stephen Simkins Deputy Leader: Inclusive 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 an acceptable ecology report, conditions and a s106 agreement.

2.0 Background

- 2.1 Planning Committee resolved on 25th May 2021 to give the Director of Regeneration delegated authority to grant application reference 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 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. No objections raised by the Council's Landscape Architect Team in respect of the amended site and landscape plan.
3. Receipt of an acceptable ecology report;
4. No overriding objections from outstanding consultees;
5. Receipt of acceptable amended drainage proposals;
6. 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”)

2.2 Planning Committee also resolved to grant application reference 20/01324/LBC subject to any necessary conditions including external materials and large-scale architectural details.

3.0 Application site

- 3.1 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.
- 3.2 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.
- 3.3 The site is partially located within the Union Mill conservation area, covering the north western and the south eastern areas of the site.
- 3.4 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.
- 3.5 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.

- 3.6 Vehicular access is from Union Mill Street. There is also a vehicular access from the A454.

4.0 Application details

- 4.1 Applications for planning permission and listed building consent have been submitted.
- 4.2 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.
- 4.3 Ten new buildings, ranging from two to six storeys are proposed. The buildings would be constructed predominately from brick, glazing and modern cladding systems.
- 4.4 The two listed buildings would be retained. The former Cheese and Butter Warehouse would be converted to twelve apartments and 16a Union Mill Street would be converted to a commercial 'hub' providing small scale work space within the residential focused scheme. The locally listed slip dock buildings would be converted for residential use, including eleven apartments, while 16b Union Mill Street would be demolished and replaced with a modern, three storey residential building, comprising four houses.
- 4.5 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 so allows for improved connectivity and views to and from the canal, offering a place for recreation and relaxation for the public and residents of the new residential accommodation. The smaller scale buildings would be located within the north western part of the site, although the exception to this is a new apartment block (labelled "new build four") which is six storeys.
- 4.6 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.

- 4.7 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.
- 4.8 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.
- 4.9 278 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, to be managed by the management company.
- 4.10 Boundary treatments to A454 Horseley Fields includes soft landscaping, and metal fencing.
- 4.11 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.
- 4.12 20/01324/LBC proposes partial demolition works and the alteration, extension and conversion of the Cheese and Butter Warehouse to twelve apartments and 16a Union Mill Street to non-residential uses, including Class E Commercial, Business and Service uses and Class F.2 Local Community uses.

5.0 Recent Planning history

- 5.1 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.
- 5.2 15/00305/FUL. Waste treatment hub and site remediation. Granted 18.09.2015.

6.0 Relevant policy documents

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
Wolverhampton City Centre Area Action Plan
- 6.3 Supplementary Planning Document:

Union Mill Conservation Area Appraisal and Management Proposals (Approved March 2007).

7.0 Publicity

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

- Will be good for Wolverhampton, creating a much more positive impression for those visiting or passing through on the train;
- May improve the health and welfare of existing residents;
- Possible disturbance from construction works;
- Not demonstrated that there would be adequate residential amenity for future residents;
- Likely to generate noise and other complaints against adjoining businesses which could disrupt their operation;
- Need further noise assessments and details of noise mitigation measures to demonstrate acceptable levels for future residents;
- Council required to consult the HSE under the COMAH/hazardous substances regulations.

8.0 Consultees

8.1 Historic England - No objection subject to acceptable external materials, sections, large scale architectural details and external material sample panels.

8.2 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.

8.3 Transportation - No objection subject to; £6,000 for an assessment / improvement to parking restrictions; conditions requiring, waste management plan, car park management plan, agreement and implementation of a right-hand turn lane on Horseley Fields A454 into the site.

8.4 Environment Agency – No objection subject to conditions including contaminated land remediation and submission of verification reports.

8.5 Victorian Society – Object to the proposed loss and replacement of the locally listed building at 16B Union Mill Street. They state that 16B is a significant historic building, an important survival on this historic site and which should not be demolished. It should be retained, restored and brought back into use. They also object to the proposed layout of Blocks 01 to 06 and recommend that the blocks are arranged to better reflect this

traditional canalside building pattern. There is no objection to the proposals for the listed buildings at 16a Union Mill Street and the Cheese and Butter Warehouse that are the subject of the listed building consent application 20/01324/LBC.

- 8.6 Severn Trent Water – No objections subject to a condition requiring sustainable drainage.
- 8.7 West Midlands Fire Service – No objection subject to detailed comments in respect of the fire safety.
- 8.8 Network Rail – No objection and would like to see the provision of good cycle and walking routes to the station.
- 8.9 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;
 - 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;
 - Improved design for the junction of the proposed pedestrian ramp with the water's edge at the north-western corner of the site;
 - Omit gates at the north-western corner of the site.
 - Recommend mooring facilities including electricity, water and Wi-Fi.
- 8.10 Staffordshire County Council (flood risk / drainage comments) – No objection subject to conditions requiring the implementation of the submitted flood risk scheme.
- 8.11 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. Recommend against pedestrianisation of the canal side and suggest making this development into two; Union Mill area being a cul-de-sac and the remaining area having restricted vehicle and pedestrian access. All gable ends to include windows for surveillance and cycle stores to be with apartment blocks.
- 8.12 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.

9.0 Legal implications

- 9.1 The legal implications arising from this report are set out below SE/010782021/F.

10. Appraisal

- 10.1 Since these applications were reported to Planning Committee, the Victorian Society have confirmed that they object to the proposed loss and replacement of the locally listed building at 16B Union Mill Street and the layout of Blocks 01 to 06 which relate to the full

application 20/01346/FUL. They do not object to the proposals which form a part of the listed building consent application.

- 10.2 The main issue is the effect of the proposed loss and replacement of the locally listed building 16B Union Mill Street and the layout of Blocks 01 to 06 on the character and appearance of the area in relation to designated and non-designated heritage assets, including any countervailing public benefits that may exist.
- 10.3 The site is located within Union Mill Conservation Area. This is a designated heritage asset and among other things derives its heritage significance from the buildings, structures and sites of the historic working environment that grew up around the junctions of two 18th century canals and three nineteenth century railways. This includes the former Cheese and Butter Warehouse and 16A Union Mill Street, which are both Grade II listed buildings and designated heritage assets. There are three locally listed non-designated heritage assets within the site, including 16B Union Mill Street and the slip dock buildings (Units 9-18). The site is outside of, but immediately to the north of a boundary with Bilston Canal Corridor Conservation Area. This is also a designated heritage asset.
- 10.4 16B is a former wharf Manager's house. It is a narrow rendered three storey building forming the east side of a courtyard which is accessed from Union Mill Street and bounded by the Cheese and Butter Warehouse to the north, 16A Union Mill Street to the south and some small scale commercial buildings to the west. Together these form a courtyard with access from Union Mill Street. 16B is as stated in the Union Mill Conservation Area Character Appraisal and Management Plan (2007) 'though much altered, contributes to the character of the conservation area'.
- 10.5 Although much altered 16B, in context with the Conservation Area and proximity to the Cheese and Butter Warehouse, 16A Union Mill Street and other designated and non-designated heritage assets, provides an important link to the past and helps reveal the heritage significance of the area.
- 10.6 The proposal includes for the total demolition of 16B and therefore at a fundamental level, links to the past heritage significance of the area would be lost. This would have a harmful effect on the character and appearance of the Union Mill conservation area and the setting of adjacent listed buildings and other designated and non-designated heritage assets.
- 10.7 16B has been vacant and unused for many years, and a Structural Appraisal, which accompanies these applications, has found that 16B lacks structural integrity and the scope of the damage results in the building being beyond the position of repair and restoration. This provides weight for allowing the demolition of the building to allow for the safe redevelopment of the site.

- 10.8 The planning and heritage statement, which supports the application, notes that the visual contribution of 16B is limited due to the extensive alterations and internal and external damage, however there are elements of the building that make a positive contribution to the area. These features include its narrow form bounding Union Mill Street and its large façade enclosing the Union Mill courtyard; the only features that are fully visible from public/semi-private spaces and that currently form key features for its interpretation.
- 10.9 The proposed replacement building would be sited in the same location and be a similar scale as the existing building. It takes its design cues and siting from the positive features of 16B. Incorporating elements of the property's historic form in combination with the modern amendments to provide a visual representation of the site's redevelopment and heritage.
- 10.10 The demolition of 16B would harm a relatively small part of the wider Union Mill conservation area and the settings of the listed buildings. 16B is a non-designated heritage asset, which is representative of the lesser significance it holds as a component of the wider area. Consequently, the scope for potential harmful effects is reduced. In this context, it would not substantially erode or lead to a total loss of heritage significance for those designated heritage assets concerned and would generate less than substantial harm.
- 10.11 Nonetheless, Paragraph 193 of the National Planning Policy Framework (NPPF) is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to a heritage asset's conservation. Importantly, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Thereafter, Paragraph 196 of the NPPF is clear that less than substantial harm should be weighed against the public benefits of the proposal.
- 10.12 In this context, the proposed development would put a dilapidated site to beneficial use and give rise to socio-economic benefits pursuant to Paragraphs 80 and 118 of the NPPF. The proposals 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 transport links, 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.
- 10.13 Altogether, the proposal would generate public benefits that carry significant weight. Consequently, for the purposes of Paragraph 196 of the NPPF, these public benefits would outweigh the great weight derived from the less than substantial harm imposed by Paragraph 193 of the NPPF.

- 10.14 Paragraph 197 of the NPPF requires a similar balanced judgement in the context of non-designated heritage assets, in this case including 16B and the slip dock buildings. Consequently, the relevant parts of the forgoing assessment would lead to the same conclusion, insofar as there would be harm to the setting of the slip docks buildings in a similar manner to that of other designated heritage assets, but the harm caused to those buildings and to 16B, by virtue of its total demolition, would be suitably counterbalanced by the provision of the replacement building and public benefits of the proposal, which would outweigh the identified harms.
- 10.15 The proposed residential blocks 01 to 06 within the Lower Horseley Fields site, are laid out such that they radiate from the canal with spaces between them. This arrangement seeks to build upon the historic fan like arrangement to the Union Mill site. Simple rectilinear building footprints would be used, as is a traditional form. The strong building line creates a legible street pattern which frames views of the canalside from both Lower Horseley Fields and from within the site. This benefits the character and appearance of the area and wellbeing for future residents.
- 10.16 The building line to the north of the Lower Horseley Fields site pulls back to create opportunities for the creation of new public spaces and public realm and makes the most of the canalside location.
- 10.17 Although traditionally buildings by historic canals are generally built in parallel and often linked together beside the canal itself, some with spurs behind, the aforementioned benefits of the proposed layout in respect of buildings 01 to 06, outweigh any harm to the character and appearance of the Union Mill Conservation Area and other designated and non-designated heritage assets.
- 10.18 Overall, the proposal would preserve the character and appearance of the area in relation to designated and non-designated heritage assets, with a sufficient level of counterbalancing public benefit to make the proposals acceptable in planning terms.
- 10.19 The proposal would be in accordance with saved Policies HE1, HE3, HE4, HE5, HE6, HE17, HE19, HE20, D4, D5, D6, D7, D8, D9 of the Wolverhampton Unitary Development Plan 2006; Policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy 2011; and Paragraphs 196 and 197 of the Framework.

11. Conclusion

- 11.1 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 proposal would preserve the character and appearance of the area in relation to designated and non-designated heritage assets, with a sufficient level of counterbalancing public benefit to make the proposals acceptable in planning terms.

12. Detail recommendation

12.1 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 canal access at Lower Horseley Fields off A454, 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. 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
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- 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”)

12.2 20/01324/LBC – Grant subject to any necessary conditions including external materials and large-scale architectural details.

