DRAFT OFFICER'S REPORT DELE

Planning application number	P22/1050
Site Address	Land adjacent to Corbett Hospital, Vicarage Road, Stourbridge
Case officer	Ian Lowe
Date	12 January 2023
Checked by	Peter Reed
Date	13th January 2023
Recommendation	Refuse

SITE AND SURROUNDINGS

1. The application site relates to a historic landscaped park that was associated with a house built for a former glass maker, Thomas Rogers, in the mid eighteenth century, and later expanded and converted into a hospital. The site forms part of what is known as the Glass Quarter and is referenced within an Historic Environment Record (HER 7664) as a landscaped park surrounding the since demolished house.

2. Early-mid 19th Century maps show the house known as 'The Hill' within an elevated position overlooking the parkland area. In 1881, the house was purchased by John Corbett, an industrialist associated with the Salt Industry and well known as a philanthropist. After refurbishing the house, it was endowed to the local people in 1893 as Corbett Hospital. The application site formed a direct relationship to the hospital which also at one point included a football pitch used by residents of the hospital. The original house and hospital have since been demolished in 2006 and has subsequently been replaced with a residential development and an outpatient building.

3. Much of the parkland associated with the former house and hospital has remained and is currently used for agricultural purposes without any public

access. The site comprises grassland, areas of woodland and individual specimen trees with full/natural canopies (protected by a Group TPO). In terms of topography, the site undulates with steep banks in places (notably the eastern and western sections). The site also contains two ponds, one towards the southern boundary and a larger pond adjacent to the northern boundary. The ponds are designated a UK BAP Priority Habitat and as such has been identified as a habitat being the most threatened within the UK and requiring conservation action under the UK Biodiversity Action Plan.

4. Since the submission of the application, the site has undergone a Local Site Assessment, carried out by the Birmingham and Black Country Wildlife Trust, which has assessed the site as being appropriate to be afforded the status of a Site of Importance for Nature Conservation (SINC) designation. The council have since formally adopted the designation for the site, upgrading the site from a SLINC (Site of Local Importance for Nature Conservation). It should be noted that the SINC boundary differs slightly from that of the previous designation as a SLINC as shown on the polices map removing a section along the eastern edge of the outpatients building to any designation but adding an area to the southern boundary (around where the entrance to the development is proposed).

5. The site is located within Regeneration Corridor 11b (Brierley Hill-Stourbridge) and a Mineral Safeguarding Area. It is also located within the boundary of the Glass Quarter Supplementary Planning Document

6. To the south is Vicarage Road, where the single access to the site is proposed. This road runs west towards High Street (signalised junction), past the entrances to Corbett Outpatients, a Health Centre, and Medical Practice. From the proposed entrance to the site, Stourbridge town Centre is approximately 10-15min walk and there are bus stops in the vicinity of the site with routes towards Stourbridge and Merry Hill.

7. To the west, on the site of the former Corbett Hospital is the current Outpatients building, set out in a half circle design with a windowed elevation overlooking

the application site. Beyond this is a residential development accessed via John Corbett Drive. Due to design and elevation changes, the principal elevations of several dwellings overlook the application site.

8. To the north of the site and beyond a tree lined boundary, is a public right of way (PROW) that runs along the edge of the site, separating allotments and sports pitch (Amblecote playing field) along with existing playground areas. Amblecote Primary School is located adjacent to the allotments. Beyond the eastern tree lined boundary of the site, and at an elevated position, is a pathway which links to a number of residential cul-de-sacs accessed via Trinity Road to the PROW and to Vicarage Road.

PROPOSAL

9. The full proposal seeks approval for the erection of 84 dwellings, including affordable homes, landscaping, play area and access off Vicarage Road.

10. The development would provide a mix of 2, 3, 4 and 5 bedroom houses of which 21 are proposed as affordable (25%).

11. The application is supported with the following documents:

- Design and Access Statement
- Planning statement
- Transport Statement
- Travel plan
- Air Quality Assessment
- Noise Assessment
- Heritage Statement
- Arboricultural Impact Assessment
- Geo-Desk Study – considering any potential environmental and geotechnical risks
- Preliminary Ecological Appraisal
- Species and Reptile Reports
- Biodiversity and Net Gain Assessment
- Affordable Housing Statement

HISTORY

12. Relevant history

APPLICATION No.	PROPOSAL	DECISION	DATE
P09/1126 **(Adjacent Site)** John Corbett Drive	Reserved Matters Application for erection of 86 No. dwellings (substitution of house types) (following outline approval P04/1865)	Approved with conditions	16/02/2010

PUBLIC CONSULTATION

13. 62 No. letters were sent to adjacent and nearby residents. A site notice was placed outside the site and the application advertised in the Express and Star Newspaper. One letter of support and approx. 400 objections have been received from residents and local groups. A copy of all comments can be found online but in summary, they raise the following issues:

Objections

- Impact on services (education, health services, waste collection, emergency services)
- Loss of ecology
- Harm to wildlife and habitats
- Loss of historic landscape
- Need to protect important local green space
- Loss of and harm to trees
- Green Space provides mental health benefits
- The space helps reduce air pollution
- Will lead to traffic and congestion issues
- Will make worse existing traffic issues at junction with A491
- Vicarage Road is a cut through to Stourbridge

- Traffic regularly backs up past junction to site
- Additional traffic will be worse due to other nearby development
- Highway Safety at Junction
- Site could be used for community benefit
- Adverse Impact upon Existing Ponds
- Meadow was gifted to local residents by John Corbett and should be retained
- Area is of high historic Landscape Value
- Tranquil aspect to the rear of hospital gives positive mental wellbeing to patients
- Site has rare habitats
- Irreplaceable habitat for local flora and fauna
- Green spaces do not need to be built on within the Borough
- Impact on existing drainage system
- Proposal would be contrary to designation of site as Local Green Space in Draft Black Country Plan*

Support

- Will provide family housing in sustainable location

OTHER CONSULTATION

MP, Councillor, Mayor Comments

14. Suzanne Webb MP (Stourbridge): Object
    - The proposals would be contrary to policy DSA4 of the Draft Black Country Plan and its designation of Corbett Meadow as a Local Green Space which would make it consistent with decisions made for Green Belt *.
    - Will negatively impact on the natural environment and local wildlife
    - Development would undermine the sites designation as a SLINC

- Site is of particular importance to the local community, bequeathed to the people of Stourbridge by John Corbett and is of special significance
- Development would place significant pressure on local services and infrastructure as well as reducing quality of life for residents
- There is significant public objection to the development

15. Cllr Kamran Razzaq: Object
    - Development would destroy ecology, historic landscape and the character and quality of the meadow.
    - Impacts upon capacity of local services such as schools, GP, sewerage)
    - Impacts upon local roads and highway safety
    - Would be contrary to the emerging policy to designate site as a Local Green Space*

16. Cllr Cat Eccles: Object
    - Contrary to Dudley Council's Brownfield First Policy
    - Several large housing developments being built nearby which meet local need
    - Would result in loss of biodiversity and nature
    - Impact upon existing services
    - Loss of Meadow outweighs benefits to NHS spending

17. Cllr Paul Bradley: Object
    - Would destroy integrity of ecology, historic landscape, character and quality of greenspace
    - Would contradict emerging policy to designate as a Local Green Space.
    - Impact upon highway safety, schools, GP practices, sewerage, pollution and other local services.
    - Could be used by NHS to benefit health and wellbeing of local residents

18. Cllr Adam Davies: Object
    - Green Spaces should be protected

- Corbett Meadow is a rare haven for wildlife in built up area
- Site is an insight into the history of the area
- Priceless natural asset needs to be protected

19. Mayor of the West Midlands, Andy Street: Object
    - Corbett Meadow is a piece of untouched green space, well-loved by local people for generations
    - Green Spaces such as site are vital for communities, local biodiversity and air quality
    - Site should be protected, and consideration given to developing brownfield sites suitable for development

*** Officer Note:** Several comments received reference proposals to designate the application site as a Local Green Space within an emerging policy document known as the Draft Black Country Plan. This document is no longer being taken forward, and whilst at the time the comments were received this was the correct position, no weight can be afforded to the proposal to designate the site as a Local Green Space.

20. Head of Planning (Highway Engineer) – Object
    - The application would result in 4 vehicle access points within a 100 m stretch of road, this will be confusing to road users and with blocking back from the Signal Junction and turning movements, interfering with visibility, would result in an unacceptable safety situation.
    - The visibility splay proposed is not based upon 85th percentile free flow speeds. Surveys needed otherwise 59m splay should be provided
    - 10m entry radius maybe wider than necessary and encourage higher speeds
    - Vehicle Tracking for Refuse Vehicle not provided
    - Access Road should be widened to 7.3m for majority of length
    - Trip data based upon 2011 data and should be updated.
    - Growth data in traffic assessment only up to 2026 which maybe prior to full occupation of site. 10 years should be considered.

- Assessment undertaken of the capacity at the priority junction access concluded there will be no queues or delays. The PICADY assessment is not valid in situations where there is queuing and does not consider at all the impact of long queues along Vicarage Road which will cause delays at the junction in particular for right turners out of the site. This will cause delays within the site resulting in more accidents as drivers make poorer choices on egressing the site access.
- The assessment has not undertaken a junction analysis of the adjacent signal junction or considered committed development from the Old Wharf Road residential site currently under construction. The potential effects of rat running traffic through adjacent residential roads has not been considered.
- Existing footpath widths around the site are poor and less than 1.5m wide.
- The assessment identifies a number of accidents, 29 in five years with more than half involving vulnerable road users and including 2 fatalities. The assessment finds no issue with this accident record. It is suggested a further assessment of the accident record is undertaken in consultation with the Councils Accident reduction officer, who may be able to advise on appropriate additional traffic calming measures that may mitigate the impacts of additional traffic movements and accidents to vulnerable road users. It would not be acceptable to dismiss this level of accidents without further investigation.
- A number of comments relating to the internal layout of the site, including visibility splays, street trees, and traffic calming are noted in comments.

21. Head of Planning (Contaminated Land) – Support subject to conditions
    - Conditions recommended relating to the requirement to carry out a contaminated land risk assessment along with submission of a remediation scheme if required.
    - Conditions also recommended to carry out an assessment of the risks of ground gases or vapours.

22. Head of Planning (Tree Officer) – Object

- Recommends refusal on grounds the design has not followed BS5837 guidelines to ensure the long term safe wellbeing of trees.
- The supporting Arboricultural Impact Assessment states that 10 individual Category B1 trees are to be removed to facilitate the development as well as 4 Groups of trees. It is considered that the loss of these trees will adversely affect the amenity of the immediate and wider area.
- Plans do not show some vegetation and off-site trees
- Inadequate details submitted to form a complete assessment of the developments impact upon trees.

23. Head of Projects and Placemaking (Historic Environment Officer) – Object

- The Corbett Hospital open space is a heritage asset that positively contributes to the local character and distinctiveness of Amblecote and to the Glass Quarter. The proposal to develop housing on what survives of the historic parkland to Hill House/Corbett Hospital would result in the total loss of significance of the heritage asset and the loss of a positive part of the Borough's landscape.
- Paragraph 8 of the NPPF advises that to achieve sustainable development, economic, social and environmental objectives should be pursued in mutually supportive ways. The applicant has failed to demonstrate the economic, social and environmental gains of the proposed scheme, particularly in the absence of clear and convincing justification for the loss of the heritage asset and the negative impact this will have on the local character and distinctiveness of the area.
- The proposal will fundamentally change the open parkland character of the site, resulting in an intrinsic loss of historic parkland to a suburban form of development fails to respond to the local character, distinctiveness and context of the local area and as such is considered not to be sustainable development and is contrary to paragraphs 8, 197 and 203 of the NPPF and contrary to Policies CSP3, CSP4, and ENV2

of the Black Country Core Strategy and contrary to Policy S8 of the adopted Dudley Borough Development Strategy.

24. Lead Local Flood Authority – Object

- The LLFA raise no objections to the proposed drainage scheme in principal but have requested the following details to be submitted in order to fully assess the application:
  Discharge Point and Method
  Hydraulic Calculations (urban creep)
  Details of Maintenance Responsibilities
  Water quality measures

25. Head of Integrated Commissioning Performance and Partnerships (Education) – Support subject to contributions towards Secondary and SEN (Special Education):

- Secondary - £97,058.02
- SEN - £84,251.92

26. Birmingham and Black Country Wildlife Trust (Ecology and Biodiversity Comments) – Object

- Site re-designated as a SINC and would be contrary to local policy
- Development would lead to loss of large parts of designated site
- Supporting information fails to establish value of habitats
- Pond 1 is proposed to be utilised to provide drainage, but as a UK Priority Habitat, it is likely to be adversely impacted.
- A full Ecological Impact Assessment should be submitted.
- No reference is made to Lowland Dry Acid Grassland identified as being present on site.
- Details required in respect of lighting, boundary treatments and enhancement features.

27. Severn Trent Water – Support Subject to Conditions

- Conditions suggested towards a scheme of foul and surface water drainage, to be submitted and agreed by the LPA prior to commencement.

28. West Midlands Police – Support subject to Conditions
    - Boundary along PROW should be replaced
    - There should be restricted access points into the development

29. Environment Agency – No comment

RELEVANT PLANNING POLICY

30. National Planning Guidance (Revised 2021)
    National Planning Policy Framework (Revised 2021)
    National Design Guide (2019)

31. Black Country Core Strategy (2011)
    Policy CSP1 The Growth Network
    Policy CSP4 Placemaking
    Policy DEL1 Infrastructure Provision
    Policy HOU1 Delivering Sustainable Housing Growth
    Policy HOU2 Housing Density, Type and Accessibility
    Policy HOU3 Delivering Affordable Housing
    Policy ENV1 Nature Conservation
    Policy ENV2 Historic Character and Local Distinctiveness
    Policy ENV3 Design Quality
    Policy TRAN2 Managing Transport Impacts of New Development
    Regeneration Corridor 11b

32. Dudley Borough Development Strategy (2017)
    Policy S1 Presumption in favour of Sustainable Development
    Policy S2 Planning for a Healthy Borough
    Policy S3 Renewable Energy

Policy S5 Minimising Flood Risk and Sustainable Drainage Systems

Policy S6 Urban Design

Policy S8 Local Character and Distinctiveness

Policy S17 Access and Impact of the Development on the Transport Network

Policy S18 Cycling

Policy S19 Dudley Borough's Green Network

Policy S21 Nature Conservation Enhancement, Mitigation and Compensation

Policy S22 Mature Trees and Woodland

Policy S30 Public Open Space within Large Housing Developments

Policy L1 Housing Development, Extensions and alterations to existing Dwellings

Policy L3 Affordable Housing in New Developments

Policy L4 Type, tenure and location of affordable housing in new developments

Policy D1 Access for All

Policy D6 Light Pollution

33. Supplementary Planning Documents/Guidance

New Housing SPD (2013)

Nature Conservation (2016)

Parking Standards SPD (2017)

Glass Quarter SPD (2009)

Design for Community Safety SPG (2002)

ASSESSMENT

Key issues

- Principle
- Heritage
- Scale, Design and Appearance
- Biodiversity and Nature Conservation
- Trees
- Residential Amenity
- Highways Access and Parking
- Flood Risk and Sustainable Drainage

- Planning Obligations
- Financial Material Considerations

Principle

34. The revised National Planning Policy Framework (paragraphs 10 and 11) has a presumption in favour of sustainable development such that development proposals which accord with the development plan should be approved without delay'. Paragraph 126 states that good design is a key aspect of sustainable development. It creates better places in which to live and work and helps to make development acceptable to communities. Additionally, in considering the importance of good design, paragraph 134 of the NPPF states that *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes".*

35. The application site is not a designated housing site and is not considered previously developed land.

36. The application site is highly sensitive in terms of ecology, and has recently undergone a Local Site Assessment, carried out by the Birmingham and Black Country Wildlife Trust which has assessed the site as being appropriate to be afforded the status of a Site of Importance for Nature Conservation (SINC) designation. The council have since formally adopted the designation for the site, upgrading the site from a SLINC. As noted previously in this report, the SINC boundary differs slightly from that of the previous designation as a SLINC as shown on the polices map. Sites are designated as SINC's for their regionally important nature conservation interest across the West Midlands. These are sites of substantive nature conservation value in the context of Birmingham and the Black Country. These are the most important sites outside the statutory system of nature conservation sites.

37. The site also contains two Biodiversity Action Plan Priority Ponds. These are Habitat Types of Principal Importance for the purpose of conserving biodiversity within section 41 of the Natural Environment and Rural Communities Act 2006.

38. In relation the sites high ecological value and SINC Designation, DBDS Policy S21 seeks to safeguard and enhance nature conservation habitats in accordance with BCCS in particular Policy ENV1. Policy ENV1 states:

'…Development is not Permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature reserves or Sites of Importance for Nature Conservation) designated nature conservation sites'

39. The layout of the scheme is likely to cause significant harm to the nature conservation value of the site, due to its direct impact on protected species' habitats, which have been evidenced as numerous and scattered across the whole site. Furthermore, the proposed isolation of Pond 2 within the layout from the rest of the green infrastructure, particularly by dividing it off from the wildlife corridor, would cause significant harm to the value of the SINC and the wildlife value of the ponds. It is considered that the development would lead to the loss of the SINC and would be of significant harm, therefore failing to conform with the clear requirements of ENV1.

40. Whilst there would be some limited benefit from the development by providing additional homes (including affordable units), it is not considered that the development provides sufficient strategic benefit that outweighs the significant harm to the status of this site. In terms of an immediate five-year housing land supply of deliverable sites for the period 2021 – 2026, the five-year land supply shown in Table 7 of the Strategic Housing Land Availability Assessment (SHLAA) demonstrates that 4,304 homes are deliverable on identified sites during 2021 – 2026. This is above the 3,397 homes require to meet the local housing need, using the standard method and including the 5% buffer. Therefore, Dudley has a housing supply equivalent to 6.53 years which is in excess of a five-year housing supply. Given that Dudley can deliver its five-year

housing supply, the additional dwellings proposed would not be of a strategic benefit that would overcome the harm to the nature conservation status of the site.

41. It is therefore demonstrated that the development would be contrary to DBDS policy S21 and policy ENV1 of the BCCS, by causing significant harm/loss to the SINC. As such the principal of the development cannot be supported.

42. It is noted that within the submitted Planning Statement reference is made to the emerging Black Country Plan and the proposal within the Draft Plan (August 2021) to designate the site as a Local Green Space. It should be noted that the Black Country Plan is not being taken forward by Dudley Council and the Local Green Space designation is therefore not considered to be a relevant consideration with regard to the current submitted planning application.

Heritage

43. The site is identified as an important Heritage Asset (ref. 7664): the site formed part of a landscaped park around a house which was lived in the mid-18th Century, with that house having been subsequently embedded into the hospital buildings. The site is now characterised by its large green open spaces and historic parkland and tree planting and can be considered as “captive countryside” within the urban area. Furthermore, the site forms a Character Zone within the Glass Quarter HLC (Character Zone 14), with the site being regarded as making a high contribution to the historic environment.

44. Paragraph 189 of the NPPF describes Heritage assets as an ‘irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’ Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the

application. In weighing applications that affect directly or indirectly a non-designated heritage asset a balanced judgment will be required having regard to the scale of any harm or loss to the significance of the heritage asset.

45. Policy ENV2 of the BCCS indicates that ‘All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identify and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognized as being of special historic, archaeological, architectural, landscape or townscape quality’.

46. Policy CSP4 of the BCCS requires that ‘All development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement.’ It continues to state that ‘design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes that the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity’.

47. Policy S8 of the DBDS requires all development within the borough to take account of the locally distinctive character of the area in which they are sited and that ‘physical assets which positively contribute to the local character and distinctiveness of the Borough’s landscape and townscape, should be retained and, wherever possible, enhanced and their settings respected’.

48. It is noted that through the consultation process, a significant number of objectors have made reference to the historic importance of the site and refer to the historic context of the site and why, it is of significance to local people.

49. Following the submission of the Heritage Officer consultation comments, the applicant’s heritage consultants (SLR) submitted a response (28th November 2022). This response contests the Council Heritage Officers’ view that the development would cause total loss of significance of the non-designated

asset. In doing so, they consider that there is a relatively low level of importance attributed to the asset and that the weight afforded to the asset in the planning balance should be adjusted accordingly. Instead, they consider that only a partial loss of the footprint occurs, with slopes retained along the edges of the site, along with the two ponds, thus retaining suitable elements of parkland character.

50. Having considered the Heritage Officers comments, the original statement submitted by the applicant and the later response summarised above, it is considered that the development does cause harm to the historical importance of the site, and that whilst elements of the site would remain, the siting of the development through the site would, in the LPA's view cause such harm that the significance of the site would be harmed and, in this case, lost. Just because parts of the landscape would remain, the historic importance of the site, and as such its significance, should be considered as a whole.

51. In taking the above view, it is considered that the site clearly holds an important historical setting that is recognised through the comments raised by local residents. Certainly, what makes the site visually attractive is the distant views across the site, the views of large, protected trees and the mix of ecology features across the site. Retaining elements of open space around the edges of the site, on just the sloped parts would not retain any feeling that the site was once part of a more open parkland appearance. As such, I concur with the Council's Heritage Officer that the development would involve the total loss of the significance of the heritage asset and would be contrary to relevant local policy and national guidance.

Scale, Design and Appearance

52. The principle of good design forms a reoccurring policy focus throughout both national and local policy frameworks, with the NPPF stating that "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes." (Para. 134). Section 8 of the NPPF focuses

particularly on creating healthy and safe communities with Para. 92 seeking to ensure planning decisions aim to achieve safe and accessible communities, 'so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.'

53. Such policies include Policies ENV2 and HOU2 of the Black Country Core Strategy which requires that "*All new development should aim to protect and promote special qualities, historic character and local distinctiveness of the Black Country in order to help maintain its cultural identity and strong sense of place. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality*"; and outlining……. *"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".*

54. Policy ENV3 of the Black Country Core Strategy recognises that each place in the Black Country is distinct and successful place-making will depend on understanding and responding to the identity of each place with high quality design proposals. Through this, the plan seeks safe, and accessible environments through such design.

55. The importance of design is replicated within Policy L1 of the Dudley Borough Development Strategy which promotes new housing on previously developed land and on sites in sustainable locations, provided that amongst other things that *"The design of the development is of an appropriate form, siting, scale, and mass, with the use of appropriate materials, which respect and are responsive to the context and character of the surrounding area".* Policy S2 of the Dudley Borough Development Strategy focuses on Planning for a Healthy Borough, promoting healthy communities and ones that promote safe residential environments.

56. The Design for Community Safety SPG provides guidance on community safety in respect of planning proposals and decision.

57. On plan, elements of the general layout of the development along with the overall scale of the development and density (32 DPH) would be appropriate in the context of the site and the more developable areas. The development uses the flatter areas of the site along the main access road, although rising in parts, notably to the north-eastern corner of the site. The development would provide a mix of house types of an acceptable design, not dissimilar to other modern development in the surrounding area. Furthermore, the layout includes a play area, surrounded by a small area of accessible open space which helps meets the needs of residents within the development.

58. Notwithstanding this, it is noted that as part of the applicant's submission it is argued that there are wider benefits, that in part mitigate the impact of the development by allowing access to the open space areas of the site. However, apart from the small area surrounding the play area, the majority of the remaining open space are on steeper sloping parts of the site which are not highly accessible and would not be appropriate for many recreational activities.

59. It is clear that when considering the need to provide good design, local policies require proposals to preserve and, where appropriate, enhance local character which specific reference to aspects of the historic environment together with their setting which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality. The historic impact of the development has been considered in an earlier section of this report, with the Council's Heritage Officer confirming that the Corbett Hospital open space is a heritage asset that positively contributes to the local character and distinctiveness of Amblecote and to the Glass Quarter. The proposal to develop housing on what survives of the historic parkland to Hill House/Corbett Hospital would result in the total loss of significance of the heritage asset and the loss of a positive part of the Borough's landscape. As such the very nature of placing built development on this site and by removing a significant amount of the

existing open space, relating to the historic nature of the site, would be contrary to policies ENV2 and HOU2 of the BCCS.

In addition to the above, it is noted that parts of the development propose garden plots backing onto open areas and footpaths. Notably plots 4 and 6-19 which directly back onto the grounds of the existing outpatients building; plots 36 to 46 which back onto the existing public right of way running to the north of the site; and 80 to 84 which would be adjacent to the public footpath running along the eastern boundary of the site. In terms of plots 4-19, a 1.8m close boarded fence would be proposed along the boundary with the outpatients building which would be both unattractive and for parts would not be well overlooked, leaving rear gardens vulnerable. Plots 36 to 46 and plots 80-84 would also be enclosed with a 1.8m fence that would result in vulnerable rear gardens backing onto a footpath. Such poor design is contrary to the NPPF when considering good design and designing safe communities along with policies S2 Dudley Borough Development Strategy and policy ENV3 of the Black Country Core Strategy along with guidance within the Design for Community Safety SPG.

60. As such, whilst the layout of the development fails to meet the requirements of the development plan and the NPPF, would result in poor design and fails to recognise the historic context of the site in accordance with the relevant design policies outlined above.

Biodiversity and Nature Conservation

61. As outlined earlier in this report, policy ENV1 of the BCCS is clear that development that would harm a Site of Importance for Nature Conservation (SINC) will not be supported. However, it also suggests that in exceptional circumstances, where the strategic benefits of development clearly outweigh the harm, any damage must be minimised with any impacts mitigated. In this instance, the applicant has submitted that they could achieve a net biodiversity gain of 7.39%, largely through additional tree planting, the development does

not provide strategic benefit and therefore this bares no weight on the overall decision.

62. The proposed development would result in the total loss of a large part of the existing SINC and there is insufficient evidence within the application to indicate that this could be successfully replaced.

63. The Local Wildlife Site Assessment carried out by the Wildlife Trust identifies Lowland Dry Acid Grassland, however, no reference to this is made within the application submission. This is a UK Priority Habitat that should be retained and protected within the design of the development.

64. Comments received by the Wildlife Trust on behalf of the LPA indicate that whilst supporting ecological information has been received, the value of habitats has not been sufficiently established. Of particular note, the applicant intends to utilise Pond 1 to provide Sustainable Urban Drainage for the site. The pond is a UK BAP Priority Habitat and its use as part of the site drainage system is likely to cause significant harm to the ponds quality. As such, the ecological impact upon the pond from the development has not been properly considered as part of the proposed development.

65. In addition to the above, it is noted that Pond 2 would become isolated within the development due to the proposed layout, separating it from the rest of the green infrastructure, and dividing it from the wildlife corridor.

66. The submitted species report indicates there are eleven badger setts identified within the site, 6 active and two partially active. Whilst it is noted that one active sett would be lost as a result of the proposed development and would be subject of a Natural England License, the LPA remains concerned that, due to the scale of the development across the site, the impact upon Badger Setts needs to be fully considered and mitigated for as part of the proposals. The advice from Natural England (.gov Jan 2022) is that a proposal could:

- design a layout that avoids isolating the badgers' territory
- avoid artificial lighting around setts
- retain vegetation around setts to provide cover

- avoid disturbance, including noise and vibration near active setts
- keep heavy machinery and excavation work away from setts
- avoid activity between dusk and dawn when badgers are most active

The proposal could include mitigation measures that:

- maintain foraging and watering areas, or create new areas
- maintain habitat connectivity, for example with tunnels, underpasses or green corridors

67. In this instance, it is not considered that adequate evidence has been provided to demonstrate that suitable mitigation measures would be put in place as part of the proposed development to avoid harm.

68. It remains that the principal of the development fails to accord with policy ENV 1 due to the harm to the SINC designation as previously indicated. However, given the potential harm to both Priority Habitats and protected species, it is also considered that insufficient evidence has been provided within the submission to demonstrate that retained biodiversity features would not be harmed or successfully mitigated for where losses occur. Such matters should not be left for conditions as there is potential that the layout of the development could be affected by suitable mitigation proposals.

69. It is noted that construction management plans and lighting plans have been requested by the Wildlife Trust to form part of the application. Officers are satisfied that this information can be agreed through appropriately worded conditions, should the application be approved.

Trees

70. In assessing the impact of the development upon existing trees within the site, due consideration has been given to the Council's Tree Officer comments which suggest that the submission fails to follow the guidance of BS5837:2012, where tree constraints have been ignored. It is noted that the application proposes to remove 10 individual Category B1 trees along with 4 groups of trees and that currently form part of the overall landscape value of the site and all of which are protected by TPO 490/A1 (except younger trees after the TPO was made).

71. It is noted that the applicants tree consultants in a letter to the case officer (22 December 2022) confirmed that the design process was led by their client's team, and acknowledges that it is clear the layout proposed results in the removal of trees subject to the TPO due to incompatibility with the proposed development. It also states that the impact upon amenity is subjective, suggesting that the losses are more than mitigated for in an extensive scheme of new tree planting.

72. The LPA does not agree that this is the correct process to take. The correct procedure should be that the layout is defined first by the constraints of the site, including, as in this case, safeguarding the existing protected trees. There is no evidence provided by the applicant to demonstrate why they have chosen to ignore the tree constraints present on site, which is especially important given the historic context of the site and the importance of the landscape.

73. In addition to the above, it is noted that in some instances, existing trees would be located within proposed garden plots or where the spread of the tree would encroach over the garden area. Notably plots 36, and 41 to 46. The LPA is concerned that as the spread of the trees cover large areas of the gardens, along with the RPA's which would need to be provided with protected to ensure they are retained, there would be pressure to remove these trees which are protected as part of the group TPO. As such, the proposal is likely to cause unnecessary harm and loss to protected trees and would be contrary to policies S2, S5, S19 and S22 of the DBDS.

Residential Amenity

74. Residential amenity within the site and between proposed dwellings is acceptable. Houses are provided with adequate size gardens and there is no potential for loss of privacy between plots. Furthermore, the development would not cause any adverse impact upon neighbouring residential units.

75. It is noted that there is some potential for the garden of plot No.20 to be significantly overlooked from the adjacent highway and a turning head on John Corbett Way. This is largely due to changes in level with the adjacent road being at a higher level. Whilst this could be easily overcome through a change in layout, in this instance the development fails to provide suitable private amenity space for a future occupier and should be considered contrary to the general guidance on creating private amenity space contained within the New Housing Development (SPD 2013). This should be noted for any future decision.

Access and Parking

76. Following the receipt of comments from the LHA (11th Nov 2022), the applicants' highways consultants provided a written response on 21st December 2022. A number of points were raised by the Council's Highway Officer, and it is noted that many of the comments made could be overcome by changes in layout or by the submission further and updated information. Some of this information includes the need for details such as gradients and visibility splays which impacts on the ability to demonstrate suitable highway safety. As this information has not been submitted to the LPA, it is considered that it would be more beneficial to deal with these as part of a further pre-application submission. However, the applicant has confirmed that they do not intend to withdraw the application at this stage in order to allow further time for this to be submitted and considered.

77. As the application submitted fails to comply with the requirements of the LHA, it is considered that there is insufficient information to demonstrate that the development would not adversely affect highway safety and the free flow of traffic both within the site and on the highway within the vicinity of the application site. As such, the proposal fails to comply with policy S17 of the DBDS.

78. It is noted that the applicant would be willing to enter into suitable conditions requiring a travel plan to ensure compliance with relevant policies relating to sustainable travel.

79. In regard to parking provision, the development accords with the requirements of the parking standards SPD.

Flood Risk and Sustainable Drainage

80. The application been submitted with a proposed drainage strategy and comments have been received from the LLFA in response as summarised earlier in this report. The LLFA in this instance do not consider that permission should be granted until additional information has been received.

81. The LPA acknowledges the need to provide calculations for urban creep, drainage maintenance details, water quality solutions and exceedance flow plans, however in doing so recognises that such details could be submitted through suitably worded conditions. As there are no objections to the principal of the drainage strategy submitted, and that a full drainage design can be conditioned, there are no grounds to warrant refusal of the application on insufficient information in this instance. Subject to appropriate conditions being secured, the proposal would comply with Policies DEL1 and ENV5 of the Black Country Core Strategy.

Planning Obligations

82. BCCS HOU3 [Delivering Affordable Housing] states:

'Local Planning Authority will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable'. The proposed scheme is for 84 dwellings, therefore the development is required to provide 25% affordable housing (84x0.25=21). The Affordable Housing Statement submitted with the application provides details that 21 units (a mix of 2,3 &4 bed) would be provided on the site, complying with Policy HOU3. The Affordable Housing

Statement also provides details of First Homes. While Dudley does not currently have a First Homes Policy, the LPA is supportive of the provision of this element affordable housing.

83. Financial contributions towards Education have also been requested as follows:
    - Secondary - £97,058.02
    - SEN - £84,251.92

84. Should a future application be approved, both the affordable housing and education contributions would need to be provided by a S106 agreement.

Financial Material Considerations

85. Section (124) of the Localism Act states: 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. A 'local finance consideration' may be taken to cover the payment of New Homes Bonus, or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Ley (CIL).

86. The section does not change the law in any way. It is not a new basis for planning policy, and it remains unlawful for planning applications to be 'bought'.

87. If approved, this proposal would provide 84 additional dwellings generating a New Homes Bonus grant of 84 times the national average council tax for the relevant bands.

88. In terms of Community Infrastructure Levy (CIL) the proposed development is CIL liable. However, the site falls within Zone 1 which has a £0 rate for all forms of residential development. On this basis no CIL payment is required.

CONCLUSION

89. The application proposes to create 84 new dwellings on land which is designated as a SINC. Policy ENV 1 is clear in its wording that development that would cause harm to a SINC would not be approved. This is because a SINC is of significant regional value in terms of its existing variety and spread of biodiversity features and nature conservation interest. This importance would clearly be harmed as a result of the development to such a degree that the SINC status is likely to be removed. As there are no exceptional circumstances that includes strategic benefits, any mitigation proposed against the harmful impact do not weigh in favour of supporting residential development on this site.

90. Insufficient information has been provided in respect of the potential impacts of the development upon UK BAP Priority Habitats within the application site, including the impact upon the ponds which are intended to be used as part of the sustainable drainage proposals and the impact upon Lowland Dry Acid Grassland which has been surveyed within the site. As such, the proposals are contrary to local polices ENV1 and S21.

91. The layout of the proposed development, in addition to failing to consider the historic character and local distinctiveness of the site, also fails to promote safe residential environments and one that addresses the fear of crime by proposing vulnerable garden plots on the edges of the development. As such, the proposal would be contrary to the NPPF, policy S2 of the Dudley Borough Development Strategy, policy ENV3 of the Black Country Core Strategy and Design for Community Safety SPG.

92. The proposed development would impact upon existing active badger setts within the application site. However, no mitigation has been provided as part of the application to demonstrate that the retained setts would be provided with adequate foraging and watering areas, or that habitat connectivity would be sufficiently retained, for example with tunnels, underpasses, or sufficiently sized green corridors. As such, the development would be contrary to local polices ENV1 and S21.

93. The proposed development results in significant harm and the total loss of significance to the non-designated heritage asset which cannot be successfully mitigated within the layout of the development. In this instance, the proposed development would remove a large area of the historic parkland and would effectively split the site in two, leaving only sloped areas to the edges. The importance of the historic value of the site is recognised through the significant number of objections received as part of the consultation process. The development would therefore be contrary to local policies ENV2, HOU2, CSP4 of the Black Country Core Strategy policy S8 of the Dudley Borough Development Strategy and would be contrary to the Glass Quarter HLC (Character Zone 14).

94. Insufficient information has been provided with the application to demonstrate that the application would not cause detriment to highway safety and the free flow of traffic both within the application site and within the local vicinity. As such, the proposal fails to comply with policy S17 of the DBDS.

95. The proposed development would result in the loss of category B and groups of trees that are protected by a Tree Preservation Order. Insufficient evidence has been provided with the application to demonstrate that such losses could be avoided and these existing natural features, that provide a positive contribution to the character of the landscape be retained. Furthermore, retained trees located in garden plots would come under-pressure to be reduced or removed to due issues such as the loss of useable garden area, maintenance and leaf/branch fall. As such, the development is contrary policies S2, S5, S19 and S22 of the Dudley Borough Development Strategy.

96. Several issues relating to the layout of the highways within the site and the impact upon the existing highway network have been raised by the Local Highways Authority. This includes the need to provide suitable gradients within the site, indicate visibility splays and ensure suitable access into and out of the site. Whilst this is acknowledged by the applicant there is insufficient information at the time of writing to demonstrate that the development would not adversely

affect highway safety both within, and within the vicinity of the application site. As such, the proposal fails to comply with policy S17 of the DBDS.

97. On this basis the application fails to accord with the National Planning Policy Framework, Policies CSP4, DEL1, ENV1, ENV2, ENV3 and TRAN2 of the Black Country Core Strategy and Policies S1, S2, S5, S6, S8, S17, S19, S21, S22, S30 and L1 of the Dudley Borough Development Strategy, the Nature Conservation, Glass Quarter, New Housing and Parking Standards Supplementary Planning Documents.

RECOMMENDATION

98. It is recommended that the application is Refused for the following reasons: