

Wolverhampton City Council

OPEN DECISION ITEM

| | | |
|------------------------------|---|-------------------------|
| Committee / Panel | <u>PLANNING COMMITTEE</u> | Date: 8th November 2011 |
| Originating Service Group(s) | REGENERATION AND ENVIRONMENT | |
| Contact Officer(s) | Stephen Alexander (Head of Development Control & Building Control) | |
| Telephone Number(s) | (01902) 555610 | |
| Title/Subject Matter | PLANNING APPLICATIONS | |

Recommendation

Members are recommended to:

- (i) note the advice set out in the Legal Context and Implications;
- (ii) determine the submitted applications having regard to the recommendations made in respect to each one.

PLANNING COMMITTEE (8th November 2011)

Legal Context and Implications

The Statutory Test

- 1.1 S70 of the Town and Country Planning Act 1990 provides that where a local planning authority is called upon to determine an application for planning permission they may grant the permission, either conditionally or unconditionally or subject to such conditions as they think fit or they may refuse the planning permission. However, this is not without further restriction, as s.70 (2) of the Town and Country Planning Act 1990 requires that the authority shall have regard to the provisions of the development plan so far as material to the planning application and to any other material considerations. Further, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Officers will give guidance on what amounts to be a material consideration in individual cases but in general they are matters that relate to the use and development of the land.

Conditions

- 1.2 The ability to impose conditions is not unfettered and they must be only imposed for a planning purpose, they must fairly and reasonably relate to the development permitted and must not be manifestly unreasonable. Conditions should comply with Circular Guidance 11/95.

Planning Obligations

- 1.3 Planning Obligations must now as a matter of law (by virtue of the Community Infrastructure Levy Regulations 2010) comply with the tests set down in the Circular 5/2005, namely, they must be:

- i) Necessary to make the development acceptable in planning terms
- ii) Directly related to the development; and
- iii) fairly and reasonably related in scale and kind to the development.

This means that for development or part of development that is capable of being charged Community Infrastructure Levy (CIL), whether there is a local CIL in operation or not, it will be unlawful for a planning obligation to be taken into account when determining a planning application, if the tests are not met. For those which are not capable of being charged CIL, the policy in Circular 5/2005 will continue to apply."

Retrospective Applications

- 1.4 In the event that an application is retrospective it is made under S73A of the Town and Country Planning Act 1990. It should be determined as any other planning permission would be as detailed above.

Applications to extend Time-Limits for Implementing Existing Planning Permissions

- 1.5 A new application was brought into force on 1/10/09 by the Town and Country (General Development Procedure) (Amendment No 3) (England) Order 2009 (2009/2261) and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (2009/2262).
- 1.6 This measure has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn, so that they can be more quickly implemented when economic conditions improve. It is a new

category of application for planning permission, which has different requirements relating to:

- the amount of information which has to be provided on an application;
- the consultation requirements;
- the fee payable.

1.7 LPA's are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application will necessarily have been judged to have been acceptable at an earlier date. The application should be judged in accordance with the test in s.38(6) P&CPA 2004 (see above). The outcome of a successful application will be a new permission with a new time limit attached.

1.8 LPA's should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission. The process is not intended to be a rubber stamp. LPA's may refuse applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

Reasons for the Grant or Refusal of Planning Permission

1.9 Members are advised that reasons must be given for both the grant or refusal of planning decisions and for the imposition of any conditions including any relevant policies or proposals from the development plan.

1.10 In refusing planning permission, the reasons for refusal must state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision (art 22(1)(c) GDPO 1995).

1.11 Where planning permission is granted (with or without conditions), the notice must include a summary of the reasons for the grant, together with a summary of the policies and proposals in the development plan which are relevant to the decision to grant planning permission (art 22(1)(a and b) GDPO 1995).

1.12 The purpose of the reasons is to enable any interested person, whether applicant or objector, to see whether there may be grounds for challenging the decision (see for example *Mid - Counties Co-op v Forest of Dean* [2007] EWHC 1714).

Right of Appeal

1.13 The applicant has a right of appeal to the Secretary of State under S78 of the Town and Country Planning Act 1990 against the refusal of planning permission or any conditions imposed thereon within 6 months save in the case of householder appeals where the time limit for appeal is 12 weeks. There is no third party right of appeal to the Secretary of State under S78.

1.14 The above paragraphs are intended to set the legal context only. They do not and are not intended to provide definitive legal advice on the subject matter of this report. Further detailed legal advice will be given at Planning Committee by the legal officer in attendance as deemed necessary.

The Development Plan

- 2.1 Section 38 of the 2004 Planning and Compulsory Purchase Act confirms that the **development plan**, referred to above, consists of the *development plan documents* which have been adopted or approved in relation to that area.
- 2.2 Wolverhampton's adopted Development Plan Documents are the saved policies of Wolverhampton's Unitary Development Plan (June 2006) and the West Midlands Regional Spatial Strategy.

Environmental Impact Assessment Regulations

- 3.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where proposals are likely to have significant effects upon the environment, it is necessary to provide an Environmental Impact Assessment (EIA) to accompany the planning application. The EIA will provide detailed information and an assessment of the project and its likely effects upon the environment. Certain forms of development [known as 'Schedule 1 Projects'] always require an EIA, whilst a larger group of development proposals [known as 'Schedule 2 Projects'] may require an EIA in circumstances where the development is considered likely to have a "significant effect on the environment".
- 3.2 Schedule 1 Projects include developments such as:-

Oil Refineries, chemical and steel works, airports with a runway length exceeding 2100m and toxic waste or radioactive storage or disposal depots.
- 3.3 Schedule 2 Projects include developments such as:-

Ore extraction and mineral processing, road improvements, waste disposal sites, chemical, food, textile or rubber industries, leisure developments such as large caravan parks, marina developments, certain urban development proposals.
- 3.4 If it is not clear whether a development falls within Schedule 1 or Schedule 2 the applicant can ask the local authority for a "screening opinion" as to which schedule is applicable and if Schedule 2, whether an EIA is necessary.
- 3.5 Even though there may be no requirement to undertake a formal EIA (these are very rare), the local authority will still assess the environmental impact of the development in the normal way. The fact that a particular scheme does not need to be accompanied by an EIA, is not an indication that there will be no environmental effects whatsoever.

| <u>REFERENCE</u> | <u>SITE ADDRESS</u> | <u>WARD</u> | <u>PAGE NO</u> |
|------------------|--|--|----------------|
| 11/00828/FUL | Compton Park Wolverhampton WV3 9DU | Park | Page 7 |
| Application Type | Smallscale Major All Other Development | | |
| 11/00887/FUL | 10 Broad Street City Centre Wolverhampton WV1 1HP | St Peters | Page 39 |
| Application Type | Minor Retail | | |
| 11/00568/FUL | Land Adjacent To And Rear Of 6 Bridgnorth Road Wolverhampton | Tettenhall Wightwick | Page 46 |
| Application Type | Minor Dwellings | | |
| 11/00871/FUL | Land At Gatis Street, Including The Victoria, Former Skills Centre And Council Depot Wolverhampton WV6 0QJ | St Peters | Page 57 |
| Application Type | Smallscale Major Dwelling | | |
| 11/00904/REM | Land Between Planetary Road And Wednesfield Way Wolverhampton | Wednesfield South | Page 66 |
| Application Type | Smallscale Major General Industry | | |
| 11/00891/FUL | Promise House Stafford Road Wolverhampton WV10 6DQ | Bushbury South And Low Hill | Page 71 |
| Application Type | Smallscale Major Retail | | |

| | | | |
|------------------|--|--|---------|
| 11/00912/TEL | Land To The Rear Of Fordhouse Road Industrial Estate Steel Drive Wolverhampton | Bushbury South And Low Hill | Page 80 |
| Application Type | Telecommunications | | |
| <hr/> | | | |
| 11/00914/FUL | Land At Junction With Bone Mill Lane And Crown Street Wolverhampton | Bushbury South And Low Hill | Page 84 |
| Application Type | Telecommunications | | |
| <hr/> | | | |
| 11/00916/TEL | Grassed Land Fronting 39-41 Birmingham New Road Wolverhampton WV4 6BL | Etingshall | Page 89 |
| Application Type | Telecommunications | | |
| <hr/> | | | |
| 11/00726/LBC | Bantock House Finchfield Road Wolverhampton WV3 9LQ | Park | Page 94 |
| Application Type | Listed Building Consent (alter-extend) | | |
| <hr/> | | | |
| 11/00908/VV | 13 - 15 Lichfield Street City Centre Wolverhampton WV1 1EA | St Peters | Page 99 |
| Application Type | Change of use | | |
| <hr/> | | | |

- 1.6 The site is Green Belt and both the University campus and the St Edmund's Catholic School site are Major Developed Sites in the Green Belt. The site is characterised by open playing fields towards the north of the application site with dense areas of tree planting in the centre. There are large areas of established and mature trees to the south of the site particularly on the land currently occupied by the University. The majority of these are covered by Tree Preservation Orders.
- 1.7 The site is adjacent to the Ash Hill Conservation Area and incorporates within it two small areas which are within the conservation area itself. The first of these is an area of grass and trees on the left hand side of the junction with Compton Road West as you enter the Compton Park access road. In the proposed scheme this is to remain as it is. The second area is a small triangular shaped one. This is part of a larger heavily treed area. In the proposed scheme it is shown to become part of the rear gardens of two of the proposed houses.

2. Application details

- 2.1 St Edmunds School is part of the next phase of BSF funding, for which a funding package is available for the existing site. The University is vacating the Compton Park Campus which provides an opportunity for a sequence of new development proposals, involving the relocation of St Edmund's Catholic School from the current site to the main building of the University; a new indoor training football facility on the site of the vacated St Edmund's Catholic School and 55 new houses on land sold by the university.
- *St Edmund's Catholic School*
- 2.2 The proposal involves the relocation of St Edmund's Catholic School and Sixth Form to the main university building to the south of Compton Park with the demolition of the halls of residence and management research centre building creating 4211m² of new floor space.
- 2.3 The new school is centred around the existing three storey main building and former business and management learning centre which will form two corners of a new quadrangular school building to be created by the addition of a new – predominantly two storey – wing and sports hall along the western flank. The new teaching block and sports hall would be 10m in height and set 10m away from the west boundary of the new housing development.
- 2.4 The development would comprise new teaching blocks, school chapel, offices, theatre, new sports hall, dining spaces and sixth form with external learning spaces and courtyards. The relocated school will continue to have access to the running track and three unlit grass football pitches adjacent to the canal.
- 2.5 There would be 70 staff car parking spaces provided at the rear of the site, including four disabled spaces. Ten car parking spaces, including four disabled spaces, would be provided on the frontage for visitors. School buses will use the turning facility located at the existing St Edmunds school site.
- 2.6 The buildings would be constructed of brick, ceramic, and various glazing systems and would be consistent with the palette of the retained buildings.
- 2.7 The site contains Category A trees, which are those of high quality and value and Category B trees, which are those of moderate quality and value (Part of BS5837 – Trees in Relation to construction). The proposal would result in the loss of some Category B trees and all but all but one Category A trees will be retained.

- *Wolves Football Academy*

- 2.8 The proposal involves the demolition of the existing St Edmund's Catholic School buildings with the exception of the existing caretaker's house, and the erection of a single and two storey building and a full-size indoor training pitch facility to accommodate a Football Association 'Category One' Academy for Wolverhampton Wanderers Football Club. It also proposes an all-weather 3G football pitch (third generation, state-of-the-art synthetic pitch) within the existing running track centre and refurbishment of the existing floodlights, the reorganisation and upgrading of the pitches on the St Peters School playing field.
- 2.9 The proposal also involves the relocation of Linden Lea Tennis Club from the University to the Academy site which would comprise a replacement pavilion and three floodlit tennis courts.
- 2.10 The indoor pitch would measure 100m x 64m and be constructed of a lightweight steel framed portal truss structure with a maximum height of 12.3m. The building would be covered in a translucent white tensile fabric to allow natural light in to the building and prevent sound reverberation. It would have buff and black brickwork on the gable ends and glazing above. The two storey accommodation block on the north-west side would be constructed of brick with a flat roof and would be 7.6m in height. The single storey building for the groundsmen would be 4m in height.
- 2.11 Access to this site will be from Douglas Turner Way. The hard surfaced area between the running track and the Academy building will accommodate 93 car parking spaces including six disabled spaces. A separate car park for staff would provide 17 car parking spaces and one disabled space. This car park will also serve Linden Lea Tennis Club.
- 2.12 The ground level of the new indoor facility would be 1.4m lower than existing school building with a retaining wall on the south east elevation.

- *New Housing*

- 2.13 The Albrighton and Bantock Halls of Residence, technology unit and glass houses would be demolished to accommodate 55 detached houses directly to the west of the new St Edmunds school. The houses would be a mix of four and five bedroom family houses and would be two storeys in height.
- 2.14 The houses would have a traditional appearance and be constructed of red facing brick, hanging tiles, render and weather boarding.
- 2.15 The development would result in the loss of Category B trees to accommodate the proposed housing layout. The proposal seeks to retain as many trees as possible of high amenity value.
- 2.16 A new access would be created off Compton Park which would be set back 35m from the access with Compton Road West. All parking for the houses would be within the curtilage. The access road would be 5.5m wide and a footpath on one side would be 2m wide.

Other aspects

- 2.17 The development would include a Sustainable Drainage System (SUDs) serving the entire site and comprising a wetland attenuation pond and floodwater storage area inland to the rear of the university campus.

- 2.18 New boundary treatment is proposed for the development. *Academy* - The playing fields would remain open and the existing fence around the running track would be retained. New perimeter fencing is proposed on the south-east boundary facing Compton Park road and south-west along the line of the existing access road to the school car park. *St Edmunds School* – perimeter fencing is proposed to link existing weld mesh fencing with the tennis courts and the tennis courts with the boundary with the new residential development and a small area at the front of the site and would be 2.4m weld mesh. Other fencing is proposed which would be internal 1.2m timber post and rail. *Residential* – The rear boundaries of new fencing would be secured with 1.8m high fencing and in open areas of the site would be 1.8m high screen walls with fence panels.
- 2.19 Access to green space would remain as it is currently with informal pedestrian links across the site from the road to the canal on the west side of the site.

3. Planning History

- 3.1 95/1156/FP for Erection of soccer Centre of Excellence building and indoor coaching arena building, all weather pitches, upgrading existing pitches, landscape works and parking, Granted 30.05.1996.

4. Constraints

- 4.1 Tettenhall Road Conservation Area
 Conservation Area - Staffs/Worcs & Shropshire Union Canal Conservation
 Conservation Area - Ash Hill Conservation Area
 Flood Zone
 Site of Importance for Nature Conservation
 Mineral Safeguarding Area
 Green Belt
 Recreational Open Space
 Major Developed Site in the Green Belt
 Sites and Monuments Entry - Constraint Name: SMR - Roman road
 Tree Preservation Orders

5. Relevant policies

- The Development Plan
 5.1 Wolverhampton's Unitary Development Plan

- AM4 Strategic Highway Network
- AM9 Provision for Pedestrians
- AM10 Provision for Cyclists
- AM12 Parking and Servicing Provision
- AM14 Minimising the Effect of Traffic on Com.
- AM15 Road Safety and Personal Security
- C1 Health, Education and Other Community Services
- D2 Design Statement
- D3 Urban Structure
- D4 Urban Grain
- D5 Public Realm Public Open Private Space
- D6 Townscape and Landscape
- D7 Scale - Height
- D8 Scale - Massing
- D9 Appearance

| | |
|-----|---|
| D10 | Community Safety |
| D12 | Nature Conservation and Natural Features |
| D13 | Sustainable Development Natural Energy |
| D14 | The Provision of Public Art |
| EP1 | Pollution Control |
| EP4 | Light Pollution |
| EP5 | Noise Pollution |
| EP6 | Protection of Ground Water, Watercourses, Canals |
| EP8 | Water Supply Arrangements for Development |
| EP9 | Sustainable Drainage Arrangements for Development |
| G2 | Control of Development in the Green Belt |
| G3 | Con. of Dev. Conspicuous from the Green Belt |
| G4 | Major developed sites in the Green Belt |
| H6 | Design of Housing Development |
| H8 | Open Space, Sport and Rec. Req. new Development |
| H10 | Affordable Housing |
| HE1 | Preservation of Local Character and Dist |
| HE4 | Proposals Affecting a Conservation Area |
| N1 | Promotion of Nature Conservation |
| N6 | Protection of Important Hedgerows |
| N7 | The Urban Forest |
| R2 | Open Space, Sport and Rec. Priority Areas |
| R3 | Protection of Open Space, Sport and Recreation |
| R4 | Development Adjacent to Open Spaces |
| R7 | Open Space Requirements for New Develop. |
| R8 | Dual-Use of Open Space, Sport and Recreation |
| R9 | New Open Space, Sport and Recreation Facilities |

5.2 Black Country Core Strategy

| | |
|-------|---|
| TRAN2 | Managing Transport Impacts of New Development |
| TRAN4 | Creating Coherent Networks for Cycling a |
| CSP1 | The Growth Network |
| CSP2 | Development outside the Growth Network |
| CSP3 | Environmental Infrastructure |
| CSP4 | Place Making |
| HOU2 | Housing density, type and accessibility |
| EMP1 | Providing for Economic Growth and Jobs |
| EMP5 | Improving Access to the Labour Market |
| ENV1 | Nature Conservation |
| ENV2 | Historic Character and Local Distinctive |
| ENV3 | Design Quality |
| ENV4 | Canals |
| ENV5 | Flood Risk, Sustainable Drainage Systems |
| ENV6 | Open Space, Sport and Recreation |
| ENV7 | Renewable Energy |
| ENV8 | Air Quality |
| WM5 | Resource management and new development |
| MIN1 | Managing and Safeguarding mineral resources |

Other relevant policies

| | | |
|-----|-------|---|
| 5.3 | PPS1 | Delivering Sustainable Development |
| | PPG2 | Green Belt |
| | PPS3 | Housing |
| | PPS5 | Planning for the Historic Environment |
| | PPS9 | Biodiversity and Geological Conservation |
| | PPG13 | Transport |
| | PPG17 | Planning for Open space, Sport and Recreation |

- 5.4 Wolverhampton's Supplementary Documents
SPG3 - Residential Development
SPD - Sustainable Communities
- 5.5 Draft National Planning Policy Framework (NPPF) (July 2011)
- 5.6 Policy Statement – Planning for Schools Development (August 2011)

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 The application does not fall within Schedule 1 but within Schedule 2 development being an Urban Development project exceeding 0.5 ha. However, having regard to the characteristics of the development, its location and potential impact, officers are of the opinion that the proposal does not require an Environmental Impact Assessment (EIA). In coming to this decision the officers have taken account of the selection criteria set out in Schedule 3 to the Regulations including the characteristics of the development, location of development and characteristics of the potential impact.
- 6.3 The "screening opinion" of the Local Planning Authority is therefore that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

7. Publicity

- 7.1 Forty letters and one petition of objection have been received. A summary of their concerns are set out below:-
 - Loss of green space
 - Loss of trees
 - Unacceptable Impact on nature/wildlife
 - Increase in traffic congestion as a result of new housing
 - Detrimental impact on the conservation area
 - Inappropriate housing mix – should include affordable housing
 - Contrary to the objectives of planning policy on green belt
 - Unacceptable building of houses in the green belt
 - No competitive bidding for university land
 - Build on brownfield sites before green belt
 - Poor design of academy building
 - Abuse of the use of the gate to Newbridge Avenue by St Peters School
 - Job creation figures exaggerated
 - Density of housing out of character with the area
 - Noise and disturbance to residents
 - Continued pedestrian access to the Barley Field
 - Glare from new floodlighting
 - Limited benefits for the community
 - Increased risk of flooding
 - Large number of houses out of character in this 'green' location

- Overbearing impact on proximity of new houses to properties in Compton Road West
- 7.2 Two objections have been received on behalf of Smestow Valley Bird Group who are concerned that the proposed development would impact on local bird life by destroying habitats which currently encourage a wide variety of bird life and also detrimental impact on the nature reserve.
- 7.3 Twenty individual letters of support have been received from local residents. In addition, 368 letters of support have been received from residents/parents/teachers associated with St Edmunds School and Linden Lea Tennis Club. The letters received support the proposal on the following grounds:-
- New Academy is attractive to talented local young players
 - Traffic congestion cant get any worse
 - Ecological issues considered
 - Introduction of wetland to contribute to wildlife habitat
 - Economic/employment benefits
 - Invigorate the local economy as a result of much needed investment
 - Overall has a positive impact on the City
 - If the University leave the site, the buildings would become an eyesore
 - Removal of unattractive St Edmunds School building
 - New homes an asset to the area
 - Reduced traffic compared to if University in full use
 - Loss of small area of green belt is small price to pay for such a development opportunity
 - Retention of Linden Lea Tennis Club within the site is a community benefit
 - Significant benefits in terms of educational facilities
- 7.4 A public consultation event including an exhibition and a meeting was held by the applicants in July and September. Over 800 letters of support have been received via the Wolves website 'molineux pride' from Wolves supporters, Compton residents, St Edmunds school pupils and parents, university students and citizens of Wolverhampton.

8. **Internal consultees**

- 8.1 **Archaeology** – The submitted desk based assessment identified the potential for the discovery of buried archaeological remains. Accordingly there should be a further phase of archaeological evaluation of the site by geophysical survey in areas of open land. This can be secured by condition.
- 8.2 **Environmental Services – Noise Assessment** – The submitted report is acceptable and the recommended conclusions and mitigation measures in the report should be applied as conditions. These include the following:-
- Demolition and construction method statement
 - Limit operational hours during demolition and construction
 - Limit noise emitted from plant and machinery
 - Limit access times for deliveries and collection of goods and refuse collection
 - No internal or external loud speaker/public address systems
 - All habitable rooms facing onto or at right angles to the access road and to Compton Road West shall be fitted with standard thermal double-glazing units with trickle vents
 - Acoustic fence to mitigate against noise from external play areas at St Edmunds

- 8.3 *Land contamination* – recommend a condition that a ground investigation to clarify both the soil and groundwater conditions prior to the start of any development.
- 8.4 *Air Quality* - The air quality assessment is acceptable and any consent should include a condition for a demolition and construction method statement.
- 8.5 *External lighting* – There are no adverse comments to make on the submitted external lighting assessment. An assessment of the existing tennis court lighting should be completed and can be submitted under a condition. A condition should be included in respect of the operating times for the lighting of the tennis courts and the Academy.
- 8.6 **Landscape** – agree with the details, methodology and conclusions of the landscape and visual impact assessment. There are numerous trees of high amenity value on the site and a large number would be removed to enable the development. These trees are a very significant feature in the locality and form an intrinsic part of the landscape character of the area.
- 8.7 It is welcomed that almost all Category A trees on the housing site and all Category A trees on the new school site are shown to be retained. The only Category A tree on the Academy site is an Oak and it is not clear if this is to be retained.
- 8.8 It is regrettable that trees with a particularly high landscape value are proposed to be removed - which include a Narrow-Leaf Ash (Cat A) and seven Atlas Cedars, two common Beech and one Copper Beach (Cat B) from the housing site and several Category B trees on the new school site including two Oaks and a Lime. It is not clear if trees T47-T52 are to be removed or retained. These are a significant group of trees along the boundary of the site which would soften the appearance of the remodelled school from the open space areas to the north and north-east. Clarification is required.
- 8.9 The inclusion of all significant deciduous and broadleaf hedgerows within the housing layout for retention is welcomed.
- 8.10 The proposed residential layout would impact on trees. Some rear gardens are small compared to the footprint of the house and large mature trees are shown to be retained on some plots (in particular plot 13 and plots 19-21). Some plots have been created at the expense of losing significant trees (plots 12, 53, 54 and 55).
- 8.11 Full specification and detailed landscape plans can be conditioned but planting areas and species need to be agreed at an early stage.
- 8.12 The Sustainable Urban Drainage (SUDS) flood water retention area at the north-west end of the site has good potential to deliver benefits, including bio-diversity, features to be enjoyed by informal recreational users and a valuable learning resource for St Edmund's Catholic School. Provision of boardwalks would facilitate this use
- 8.13 **Nature Conservation** – In general the conclusions of the Ecological Appraisal are satisfactory. Bats have been identified within the existing St Edmund's Catholic School building and use the site for foraging and commuting. Badgers in 'outlier' sets are present in three areas and 31 notable species of birds have been seen.
- 8.14 *Impact on fauna* - The loss of a small pipistrelle roost at the St Edmunds site would have negligible impact. The impact on bats from the loss of the continuity of hedgerow is not clear and clarification is required. The impact on birds is minor with the only negative impact being on the spotted flycatcher and minor potential positive impacts on a few species such as barn owl, house sparrow and kestrel and negligible impacts on most other notable species.

- 8.15 Disturbance to badger setts 1 one and 2 is expected during construction and the need for the destruction of sett 3 is anticipated, as it falls within an area required for vehicle access to new housing. A licence is required from Natural England and a method statement will be agreed which does not form part of the planning process.
- 8.16 The loss of about 50 trees across the whole development would have a moderate effect on the local resource in ecological terms. Full mitigation is expected in areas of the site where space allows, with native trees selected for compensatory planting. This can be conditioned.
- 8.17 The impact on the Local Nature Reserve would be negligible with the exception of the proximity of the new housing (plots 18-21 and 34 – 38) to the boundary where plantation woodland backs onto proposed rear gardens. No direct access would limit any negative impact. The choice of boundary treatment is important in limiting loss of native vegetation. A condition to prevent occupiers erecting rear fencing or means of enclosure is necessary.
- 8.18 *Mitigation and Enhancements* – A commuted sum is proposed to mitigate possible impacts on the local nature reserve. Conditions to minimise impact on breeding birds by preventing tree and vegetation removal during the bird breeding season, detailed planting and new bird boxes should be included. The recommendations in the Jacobs bat survey is that the new school building and Academy should incorporate features to provide roosting opportunities for bats, both to compensate for those lost but also to enhance the variety of roosting habitat available.
- 8.19 The long term protection and management of habitats to protect valuable wildlife species can be secured through a habitat management plan which can be conditioned.
- 8.20 **Tree Officers** - A high proportion of the existing mature trees on this site are covered by a Tree Preservation Order (The Wolverhampton – Wolverhampton University, Compton Road West – Tree Preservation Order: 1992, file ref. 02/2/342).
- 8.21 The periphery of the housing site (north-west and north-east boundaries) is bounded by substantial lengths of hedgerow, within which are several specimens of ultimately forest-sized trees, of native/naturalised species, of varying age category – ranging from semi-mature to mature age.
- 8.22 Taking a long-term view there is generally potential conflict between ultimately forest-sized trees situated within rear gardens, in close proximity to proposed dwellings, particularly to the north-west and north-east boundaries. (The relative orientation of the trees and houses would result in the rear gardens being densely shaded). There may be pressure to fell further trees in the future by householders experiencing problems.
- 8.23 Critical to the successful retention of the trees is total adherence to the protective/precautionary measures described in the Arboricultural Method Statement, prepared by Arbtech, document dated September, 2011, which should be required by condition.
- 8.24 **Leisure and Cultural Services** - The application adjoins the Council owned Local Nature Reserve (LNR) under the operation of Leisure and Community (Parks). The application site currently provides important pedestrian links for local people into the Smestow Valley – although the applicants state there is no public right of way. Given the absence/deficiency of other recreational open space in this part of the City this application does not propose any new provision just incidental "design" space despite increasing recreational open space need through increased residents. The application should therefore look to secure and enhance permanent accessway(s) into the adjoining LNR by their integration into the design of the development. This can be conditioned.

- 8.25 The location of the attenuation pond is noted and will provide a welcome site to encourage greater biodiversity in the area particularly for supporting/enhancing existing as well as different types of wildlife to this area. It is important that the pond has permanent clear/direct paths to aid safety of users into the Smestow Valley, with interpretation boards providing awareness of local flora and fauna created by the pond in keeping with the area and helping to inform users.
- 8.26 **Transportation Development - Site Location/Accessibility** -The site could be considered to be reasonably accessible by public transport being served by buses from Compton Road
- 8.27 The site access from Compton Park to Compton Road has good visibility in both directions. Within the site the access to the proposed new residential development from Compton Park has yet to be confirmed. If the applicant is to use the existing access point that currently accesses the University Campus then visibility is good but it is located very close to the main site access providing only a short distance for queuing traffic and the potential for traffic queuing on Compton Road or along Compton Park blocking the access to the residential development. An alternative access, further into the site has more recently been proposed by the applicants, which would overcome the queuing issue but is unlikely to achieve the appropriate visibility splay due to the proximity of mature trees in this location. A suggested solution to this would be to install some speed reduction measures in the vicinity to 'calm' traffic in the area thereby allowing a reduced visibility requirement.
- 8.28 A Traffic Regulation Order on Compton Road West is required as the school is closer to Compton Road and consequently the potential for dropping off pupils on Compton Road is much greater.
- 8.29 A detailed review of the applicant's Transport Assessment and supplementary traffic surveys and assessments received (received 21st October 2011) has been undertaken that concludes that the traffic impact from the proposed development is similar or less than that arising from the current and previous use of the site when the University was fully operational as well as the Wolverhampton Wanderers Training Facility and St Edmunds School. This is broadly confirmed by the supplementary traffic counts undertaken in October 2011.
- 8.30 The applicants have undertaken a detailed analysis of the Compton Park / Compton Road junction and the Linden Lea junction with Compton Road that demonstrates that both junctions would operate within capacity with limited traffic queues at peak times.
- 8.31 The traffic impact from the proposed development is therefore considered to be acceptable.
- 8.32 *Parking Issues* - The proposed development includes 110 spaces for the residential element, which is in accordance with the Council's planning policy and is considered to be acceptable.
- 8.33 The car parks proposed to serve the school and the football academy are considered to be acceptable for the day to day operation of the proposed developments as detailed in the transport assessment. However, there is some concern that there may be occasions when activity at the football training facility coincides with school opening hours and the demand for parking would exceed supply leading to on-street parking. This concern is reinforced by a reference to the potential for 500 visitors at times to the Academy. Suggested measures that might serve to mitigate against this potential problem could include the adoption of the whole length of Compton Park so allowing the highways authority to manage parking. Also, a planning condition requiring a car park management plan for the training facility and Academy could be imposed. This

would cover the management of on-site car parking generally, but especially during events attracting significant spectators. A car park management plan can be conditioned.

- 8.34 The adoption of Compton Park as a public highway has been a desire for the schools and University here for some time to allow better management of parking and improved maintenance of the carriageway. As noted above this would also be desirable to manage future car parking demand, should this be required. Adoption of Compton Park up to and including the access to the residential development would be a requirement and the applicants for the residential development would be required to enter into a S278 / S38 Agreement with the City Council prior to construction commencing.
- 8.35 Boundary treatments throughout the development should be conditioned to ensure appropriate visibility is achieved and maintained
- 8.36 *St Edmunds School – drop-off* - Drop off provision for the relocated St Edmund's Catholic School site would remain in its current location within the bus turn around point. The proposals include provision of a footpath across the grassed area as a means of pedestrian access from the drop off point to the new school. There are some concerns as to whether the drop off area is in the most convenient location and that parents may choose to drop off on Compton Park causing local traffic congestion.
- 8.37 Although not part of the proposals, access arrangements to St Peter's School remain as existing. It should be noted that access to the school via the gated access off Newbridge Crescent should be restricted to emergency access only to avoid potential short cuts through the Compton Park site and to prevent amenity/parking issues for residents of Newbridge Crescent.
- 8.38 **Strategic Asset Management** – No comments as strategic asset management are involved in the negotiations on behalf of the Council as landowner, for the land transactions required between the partners.

9. External Consultees

- 9.1 **Fire Service** – The access for fire service appears satisfactory for the academy. The accesses for the residential development do not appear satisfactory due to the length of the dead-end. This information has been passed to the applicant who has not yet responded.
- 9.2 **British Waterways** – require that proposed lighting safeguards the integrity of the waterway. British Waterways state that the development should not result in an increased risk of surface water overtopping the canal. British Waterways recommends S106 contributions to enhance the existing canal towpath and improvements to the existing access points in the vicinity of the former railway bridge.
- 9.3 **Severn Trent Water** – No objection
- 9.4 **Wildlife Trust for Birmingham and the Black Country** – objects to the proposals because of its location in the green belt, the harmful nature of the development and the conservation precedent that could be set without sufficient measures to enhance, restore and add to the natural environment and the proposed nature conservation impacts. The Trust is also disappointed that the opportunity to break out Graiseley Brook from the culvert has not been taken.
- 9.5 **Centro** – Welcomes the travel plan submitted for the school and recommends that the developer signs up to Residential TravelWise

- 9.6 **Sport England** – Sport England does not wish to raise an objection to this application, subject to a condition that a Community Use Agreement is submitted prior to commencement of development. This can be conditioned.
- 9.7 **Environment Agency** – objects to the proposal but would reconsider if the applicant was to propose to naturalize the Graiseley Brook and de-culverting undertaken in conjunction with proposals to create a wetland habitat, SuDs and other sustainable features.
- 9.8 **Police - Local and Neighbourhood Arrangements, Natural England,** – comments awaited.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.

Conservation of Species Protected by Law

- 10.2 The Local Planning Authority is a competent authority for the purposes of the Habitat Regulations and the planning authority is under a duty to have regard to the Habitats Directive in the exercise of its functions. Planning authorities should give due weight to the presence of protected species on a development site and to reflect these requirements in reaching planning decisions ,Under S39 of the Habitats Regulations bats are European protected species.
- 10.3 Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligation' and the impact within the planning system should be noted. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted. Otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.
- 10.4 Badgers are protected under the Protection of Badgers Act 1992. Disturbing a badger sett, adversely affecting foraging territory, links between them, or significantly increasing the risk of road or rail casualties is a material planning consideration.
- 10.5 Members should note that as detailed in the report the application will need to be referred to the Secretary of State for consideration as to whether it should be called in for his determination. This is because this application constitutes inappropriate development in the green belt and referral is required by the The Town and Country Planning (Consultation) (England) Direction 2009. Where the application is referred, the planning authority cannot determine the application until the expiration of 21 days after the requisite information has been provided to the Secretary of State, or until the Secretary of State has confirmed he does not wish to "call in" the application, if earlier.
- 10.6 When an application is situated in or affects the setting of a Conservation Area, by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area, the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, it should also have regard to any representations ensuing from the publicity required under S73 of the Act. [LD/31102011/U]

11. Appraisal

11.1 The key issues are: -

- Green Belt
 - *Impact on Green Belt from the Proposal*
 - *Very Special Circumstances*
 - *Enabling development - Housing*
- Transportation
- Ecology
- Landscaping and trees
- Impact on neighbours
- Design Quality
- Impact on Heritage Assets
- Flood Risk
- Playing Fields
- Noise issues
- Planning Obligations
- Other matters

Green Belt

11.2 PPG2 – Green Belts states that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of green belts is their openness. There are five purposes of including land within the Green Belt, to check the unrestricted sprawl of urban areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

11.3 The construction of new buildings inside a green belt is inappropriate unless it is for the following purposes:-

- Agricultural or forestry;
- Essential facilities for outdoor sport and recreation or cemeteries and other uses of land which preserve the openness of the Green Belt;
- Limited infilling or redevelopment of major existing developed sites;
- Limited extension, alteration or replacement of existing dwellings.

11.4 There is a general presumption against inappropriate development which is by definition, harmful to the green belt. Such development should not be approved, except in very special circumstances. It is for the applicant to show why permission should be granted. PPG2 states:-

‘Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application’.

11.5 PPG2 is likely to be replaced by the National Planning Policy framework which is currently a draft document and therefore should be afforded limited weight. The draft National Planning Policy Framework (NPPF) states that *‘very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations’*

- 11.6 The majority of the green belt within north-west Wolverhampton is essentially a linear feature. It follows the route of the Staffordshire and Worcestershire Canal corridor and widens at several locations to connect a network of broadly open spaces otherwise contained within the surrounding urban area of Wolverhampton.
- 11.7 The 1993 UDP Inspector recognised that the character of the green belt as a series of green wedges made it particularly significant as a break within a very large built up area. The approach of maintaining a tightly drawn green belt was considered reasonable and that long term development needs would be best served by the re-use of urban land. In a review of Wolverhampton's UDP and Green Belt in 2005 the Inspector accepted the purpose of large existing buildings located in the green belt and designated St Edmunds School and part of the University Campus as separate 'Major Developed Sites' in the green belt.

Impact on Green Belt from the Proposal

- 11.8 The applicants acknowledge in their submission that their proposals consist of inappropriate development by accepting that there is a need to demonstrate very special circumstances to justify the proposed development within the Green Belt. (Planning Statement paragraph 1.7)
- 11.9 The first component of the development which impacts on the Green Belt is the demolition of an existing school building and its replacement with a new indoor football pitch and associated parking. The new built form would extend outside the major developed site boundary and therefore by definition would be inappropriate development.
- 11.10 The second component of the proposal which impacts on the green belt is the extension to the retained university buildings which would fall within the major developed site boundary. However, the proposed extensions would result in a more than 10% increase over and above the original developed area of the site. The proposal is therefore contrary to UDP policy G4 – Major Developed Sites in the Green Belt.
- 11.11 The third component of the proposal which impacts on the Green Belt is the construction of 55 new homes to the west of the university. Twenty percent of this development would be located within the existing university 'major developed site' boundary, where halls of residence will be demolished, and 80% would be located in Green Belt outside the 'major developed site' boundary. Both the element within the university major developed site boundary and the element outside would be inappropriate development.
- 11.12 Having established that three components of the proposal constitute 'inappropriate development' in the Green Belt as set out in PPG2 and the adopted UDP, the determination process must involve:-
- (i) a determination as to whether each component is of itself, harmful to the green belt;
 - (ii) a determination of the extent of any harm;
 - (iii) an assessment of the "very special circumstances" put forward by the applicant (the burden of proving such rests with the applicant)
 - (iv) a determination of whether such very special circumstances "clearly" outweigh any harm caused by reason of both inappropriateness and any other identified harm.

- 11.13 *Impact on Openness (Scale/Massing)* - The applicant has provided quantitative figures in respect of the amount of development which would take place outside the 'major developed site' boundary (see paragraphs 11.11 and 11.12) and therefore which would impact on openness. However, consideration must also be given to the scale and massing of these proposals, to provide a qualitative judgement of how the development would impact on openness.
- 11.14 The proposed Academy will be built in a location where there are currently large scale buildings. The Academy buildings will not be any higher, at any point, than the highest St Edmund's Catholic School building. This will be achieved by lowering the ground level by 1.4m and providing a retaining wall on the east elevation. The views from the east and west demonstrate the scale and bulk of the new building. The range in height of the existing school buildings, from single storey to three storeys, allows views beyond the building of the landscape of Smestow Valley, which would be removed by the creation of one large Academy building, the equivalent of three storeys in height and the full width of the existing buildings. This is considered to result in some harm to openness.
- 11.15 The proposed extension to the university buildings to provide the new school would not exceed the height of the existing highest building on the site. The existing university buildings (which extend to the proposed housing site) are already defined as a 'major developed site' within the green belt. The new buildings would occupy an area of Compton Park which already has large scale buildings. At present, particularly when looking south-west from the top of the bank near the existing school site, the university buildings are spread out, with the highest buildings located towards the front of the site near Compton Road West. The new extension would create a solid mass in the centre of the site, at a greater height than parts of the existing buildings, but not greater than the highest building. The impact on the openness from this point of view will therefore be limited.
- 11.16 The proposed new housing would be located in an area of Compton Park which is not currently accessible to the public. The area is currently open with a substantial number of mature trees and single storey outbuildings. Part of the area is clearly visible from the public domain on Compton Road West and from the entrance to Compton Park. It is less visible from other viewpoints around the site by virtue of a heavy bank of trees on the north-west and north-east boundaries. The area is visible from residential properties in Compton Road West backing on to the site.
- 11.17 The character of this area will change as a result of the removal of trees. The proposed dwellings would be two storeys in height and the majority would be located out of public view. But the character of the area will change such that the primarily wooded and green appearance at present would be replaced, from some viewpoints, with a landscape composed primarily of buildings. The plots closest to Compton Road West would have a particular impact in this respect. Currently there are not many buildings and the space will be replaced with lots of new buildings which will be harmful to openness. The proposed housing would therefore have an adverse impact on the openness of the Green Belt.
- 11.18 Paragraph 1.7 of PPG2 informs the approach to the determination of a Green Belt application:-

"The purposes of including land in the Green Belts are of paramount importance to their continued protection, and should take precedence over land use objectives"

The two purposes of including land at Compton Park in the Green Belt through the UDP process were:

1. To prevent neighbouring towns from merging into one another; and

2. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 11.19 The Academy and school proposals would be constructed mainly within major developed sites. The new housing would be in a part of the site which is not publicly accessible and is mostly not visible but by introducing significant new buildings on open land which would go against the first purpose to prevent towns from merging.
 - 11.20 The Academy, whilst being inappropriate development, is located primarily within the 'major developed site' boundary and could not be said to result in harm to the urban regeneration purpose of the green belt. The same is true of the university building extension. However, the provision of 55 new homes in the green belt is clearly contrary to original intentions to encourage new development, particularly housing, in urban locations. It is therefore considered that the housing component of the proposed development would result in harm to the urban regeneration purpose of the Green Belt.
 - 11.21 For the reasons identified above, it is concluded that the development would result in harm to the openness of the green belt and to its urban regeneration purpose.
 - 11.22 *Impact on Visual Amenity* - PPG2 also highlights that the visual amenity of the Green Belt should not be injured by proposals for development within or conspicuous from it which, although they would not prejudice the purposes of including land within the Green Belt, might be visually detrimental by reason of their siting, materials or design.
 - 11.23 The proposals for the Academy and new St Edmund's Catholic School site have been designed to limit visual impacts on the green belt. The Academy would adopt a low horizontal profile and off-white roof covering to minimise contrast against the prevailing sky and would be located on the existing major developed site. The new school site would use existing and new buildings of a height not greater than the existing and would use materials to match the existing. For these reasons, these components of the development are not considered to cause visual harm to the green belt.
 - 11.24 The housing is designed to be two storeys in height and of a design in-keeping with the character of the area in terms of its use of traditional materials. The housing would be located in a part of the site which is visible from outside the site but in many respects is well hidden by virtue of the topography and significant tree coverage. But the character of the area will change such that the primarily wooded and green appearance at present would be replaced, from some viewpoints, with a landscape composed primarily of buildings. The plots closest to Compton Road West would have a particular impact in this respect. Currently there are not many buildings and the space will be replaced with lots of new buildings including plots closest to Compton Road West which would result in harm to the openness of the green belt.
 - 11.25 Replacement floodlights are proposed around the running track. These are not likely to have any more of an impact than the existing floodlighting. Facilities which are essential for outdoor sport and recreation and which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it are appropriate development in the Green Belt. Therefore, subject to no detrimental impact on wildlife, the proposed floodlighting is not considered to result in harm to the green belt.
 - 11.26 The conclusion is that the new housing would result in visual harm to the green belt by reason of its siting.

Very Special Circumstances

- 11.27 Both the courts, and appeal decisions have indicated that material considerations can cover a wide range of matters. Even if the material considerations do not carry significant weight individually, they can when taken together, be capable of amounting to very special circumstances.
- 11.28 The very special circumstances case presented consists of:-
- (i) The need for Wolverhampton Wanderers Academy;
 - (ii) Educational benefits from the redevelopment of St Edmund's Catholic School;
 - (iii) The socio-economic benefits;
 - (iv) The harm if the development is not facilitated;
 - (v) The fall-back position.
- 11.29 **Wolverhampton Wanderers Academy** – The case submitted states that there is a requirement for the proposed Academy facility, in order to maintain the position of the football club at the highest standard. Without it the Academy would fail to attract the best young players and so the Wolves would find it harder to meet FA requirements for 8 'home grown' players within their squad. The Football Association (FA) also has minimum requirements for Premier League clubs in terms of facilities and Elite Player Performance Plan (EPPP). It has been acknowledged in other Academy developments that such sporting facilities have significant benefit and that "*Football is an important component of the leisure industry*". In addition to the Club's individual need and as a result of the requirements of the FA, there is a national need for the facility to develop quality home grown talent for the national squad.
- 11.30 The football club currently uses the indoor facilities at Aldersley Stadium which is inadequate because of lack of space. In addition there is a demise in the condition of the facility due to over use and subsequently this has reduced the quality of the learning experience for students. A study of alternative sites has been conducted (predominantly within Wolverhampton and South Staffordshire) and it concludes that there are no alternative locations that would be 'fit for purpose'. Officers' would accord with this view. The City football team should not be expected to train away from its home town and the absence of a superior alternative site is a very special circumstance that can be afforded significant weight.
- 11.31 The relocation of the proposed facility elsewhere within the Compton Park site has been considered, and the outcome is that there would be no other appropriate location within the site where the facility would not be wholly 'inappropriate development'. There is a benefit from the opportunity that has arisen for the Academy to be sited on the St Edmund's Catholic School site after the school has relocated that would result in a reduced impact on the green belt.
- 11.32 There are several precedent Academy planning decisions. In particular, planning permission for an Academy centre was refused in Sunderland in 1999. The site was located in the Green Belt and the decision was subsequently appealed. The Inspector concluded that the significant benefits to the development of football both regionally and nationally and significant benefits to the profile of the borough were given significant weight as very special circumstances.
- 11.33 PPG17 sets out guidance for planning for open space, sport and recreation. It refers to the governments objectives for improving such facilities and states that '*open spaces, sports and recreation facilities have a vital role to play in promoting healthy living and preventing illness*'. It also refers to the need for such facilities to be easily accessible.

- 11.34 **Redevelopment of St Edmund's Catholic School** - The case for cross funding as part of the very special circumstances case are that Wolverhampton Wanderers are to acquire the St Edmund's school site to develop the Academy contributing (indirectly) £2.5m to the school relocation. Redrow Homes would acquire the University site to facilitate a gift of a new site (land and buildings) for the relocation of St Edmund's School, development of 55 homes and a £2.5m education contribution to relocate the school.
- 11.35 There is already in place a BSF funding package of £7.9m which would enable extension and refurbishment of the existing St Edmunds School site. As part of the very special circumstances case the additional capital investment of £5m will deliver significantly enhanced facilities to the new school that comprise part-refurbished and extended university buildings providing over 4000m² of new floorspace.
- 11.36 Additional information has been submitted which demonstrates how the additional £5m would result in a markedly different educational provision to that contemplated under the existing BSF funding of £7.9m
- 11.37 The proposed option would include over four times the amount of new purpose-built accommodation compared to the original BSF option. It would provide the ability to deliver far more flexible and adaptable spaces that would be more responsive to evolving teaching and learning practices. It will deliver the transformational agenda underpinning the BSF programme with purpose built spaces which cannot be achieved on the existing site because the age and layout of the building structure limits the ability to be flexible, thereby undermining the objectives of the BSF programme.
- 11.38 The benefits afforded the new school location in terms of educational improvements, when compared with the proposals for the existing site, can be given considerable weight.
- 11.39 **Socio-economic benefits** – The key aspects of this part of the very special circumstances case comprise:-
- local economic benefit resulting from the continued operation and enhancement of the football academy to a higher status;
 - Aldersley village improvement being transferred to the Wolverhampton Community Trust;
 - reinvestment in Wolverhampton University as a consequence of the capital receipt of £5m;
 - the benefits of the improved facilities at St Edmund's Catholic School
- 11.40 The socio-economic benefits of the very special circumstances can be considered to contribute to the case. The statement submitted states that the Academy will continue to employ 17 full time members of staff and 24 casual staff and that the combined investment value of the combined Compton Park development, is estimated to bring 150 full time construction jobs and over 250 indirect jobs. Economic benefits can be afforded weight as a material consideration. However, the continued employment of staff at the Academy (it does not state how many staff are currently employed) is not a significant socio-economic benefit. The creation of jobs as a benefit of the overall scheme is important as a material consideration but is not considered to constitute very special circumstances.
- 11.41 Part of the benefits include the transfer of the ownership and management of the Aldersley facility to the Wolverhampton Community Trust under a Deed of Variation to the existing lease. The Trust is a charity funded by WWFC, through the Morgan Foundation and Wolverhampton Aid (the community donation arm of the football club). The proposal would be to give the trust exclusive and unrestricted use of the facility. The asset transfer (if the indoor dome were constructed today) would be £1m.

- 11.42 The benefits afforded the transfer of this facility to the community can only be given significant weight as a very special circumstance if the continued and long term use and details of how these will be delivered can be secured through a Section 106 Agreement. Otherwise, the benefits can be given little weight. The applicant has confirmed that the use of the facility by the public, managed by Wolves Community Trust is being delivered through an amendment to the existing Academy lease of Aldersley between the football club and City council which is a legally binding arrangement and does not need a parallel obligation in a Section 106 Agreement. It is officers view, that this does not amount to a justification to not have the benefit in an obligation and therefore, without being secured through a S106 planning agreement, can be given little weight.
- 11.43 The reinvestment of the monies obtained as a result of the £5m capital receipt is an aspect that can be considered. The proposal is for the University to re-invest the capital receipt in the City Centre and the Applied Sciences Building. The applicants state that this will result in further investment and strengthen the University's ability to attract and retain students, benefiting the City as a whole through increased student investment, student expenditure, local job creation and graduate retention. Whilst this would be welcome, little weight can be given to this aspect.
- 11.44 There is a long period of time before these benefits can be realised, taking into account that the exact use of the funding has to be agreed, planning permission obtained and work actually commenced on site. To give this aspect sufficient weight, the funding would have to be secured for this purpose. It is not possible to do this (as the University would be unable to offer a guarantee and would therefore be reluctant to sign up to a Section 106 Agreement) and therefore, while this can be afforded some weight it is not significant.
- 11.45 The benefits of the improved facilities at the relocated St Edmunds school site have already been considered at paragraph 11.37.
- 11.46 **Harm arising from not facilitating the Development** – The applicant states that if planning permission were not granted for the proposals, the Academy would remain on its split site using out-dated facilities and the club would be downgraded in terms of its academy quality and its ability to identify, recruit and grow new elite players.
- 11.47 Regarding the school, without the £5m it would remain on its current site. The funding package of £7.9m would pay for the refurbishment of their existing building and 1000sqm extension. This development would be contrary to Green Belt policy.
- 11.48 If the school remained on its current site, the Academy proposed would not be able to take place. Without improved facilities it seems likely that the Academy would not attract the best young players and so the Wolves would find it harder to meet FA requirements for 8 'home grown' players within their squad. The club would also lose the potential financial benefits of avoiding having to buy so many players.
- 11.49 The only other alternative option for the Wolves would be to build the Academy building elsewhere within Compton Park. Officers recognise that difficulties may arise from this alternative option, in terms of the submission of an alternative planning application, which would take time and may not necessarily be successful. The significant benefits from the proposed Academy would not be realised, which would be an opportunity missed, particularly as the Academy would have a considerable positive impact on the City as a whole.
- 11.50 **Fall-back position** – The applicant has identified in its submission that there is a 'fall-back' position for the University site should planning permission not be granted for the

proposal. Specialist development and redevelopment of the existing floor space or redevelopment of the same would give rise to alternative forms of development.

- 11.51 As a means to maximise a capital receipt, the applicant claims that the university site, because of its location, would be sought after by speculative commercial and/or residential developers if the proposed development does not go ahead. As a major developed site, there is limited development which could take place which would not result in inappropriate development. Therefore this aspect of the socio-economic benefits is given little weight as a very special circumstance.

Enabling Development

- 11.52 The proposal would comprise 'cross-funding' or 'enabling development'. Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could otherwise not be achieved. Enabling development is not a statutory term, but was confirmed as a legitimate planning tool in 1988 (R v. Westminster City Council ex parte Monahan) and is a 'material consideration' in the determination of planning applications.
- 11.53 It is of the essence of enabling development that a scheme that would otherwise be unacceptable in planning terms is necessary to generate the funds needed to secure the benefits proposed and is entirely appropriate to require applicants to provide financial evidence to the local planning authority to support such a claim. The applicant has submitted a case for very special circumstances and a financial viability appraisal.
- 11.54 In order to cross-fund the benefits it is necessary to introduce a component which can generate returns capable of reinvesting in the school. This vehicle is the open-market housing.
- 11.55 Housing – Notwithstanding the enabling role of the proposed housing development it is necessary to confirm that the proposed site is suitable for residential development.
- 11.56 The proposed 55 new homes would contribute to the maintenance of a five year supply of deliverable housing land within Wolverhampton in accordance with BCCS policy HOU2. The Strategic Housing Market Assessment for the West Midlands (July 2008) identifies a lack of 'top-end' houses as a contribution to the mix and balance of housing stock available. It is therefore considered that the proposed housing type/mix is not inappropriate in this location (subject to other material considerations and relevant policies).
- 11.57 The proposed housing site would be 3.24 hectares and the proposed density would be 17 dwellings per hectare. BCCS policy HOU2 states that all development should aim to achieve a minimum net density of 35 dwellings per hectare. The proposal would be significantly less. However, the green belt location and high landscape quality of the site means a lower than normal density is acceptable.
- 11.58 In accordance with BCCS policy HOU3 – Delivering Affordable Housing, housing developments of 15 houses or more should provide 25% affordable housing unless it is financially unviable to do so. The proposal fulfils an enabling role in the delivery of the new replacement St Edmund's Catholic School. It is the applicants view that the number of houses proposed is the minimum required to generate sufficient sales value to provide the education contribution of £2.5m to gap-fund the delivery of the school. Therefore it would not be viable to provide affordable housing unless the number of houses is increased, which would have a greater impact on the openness of the green belt and may jeopardise the prospect of securing planning permission for the whole Compton Park.

- 11.59 Supplementary Planning Document – Affordable Housing states that it is possible to relax planning obligations if a development proposal is not financially viable. The Financial Viability Appraisal has been assessed in a draft report by the District Valuer, which concludes that the site is financially unviable in that there is no surplus over and above the land price and proposed education contribution. However it is heavily caveated with Special Assumptions which are considered at 11.60 and the Planning Obligations Section. It is recommended that affordable housing will not be required subject to those considerations
- 11.60 There is a possibility that if house prices alter, or the actual development costs reduce in comparison to the viability appraisal figures and assumptions that this could significantly affect the ability to generate an additional surplus over and above and is therefore strongly advised by the District Valuer that a clawback, review mechanism or overage provision should be applied. Such a clawback should be secured via a Section 106 Agreement.
- 11.61 An outline application was determined at appeal (ref APP/B1930/A/10/2142127 – Beaumont School and Land at Winches Farm, St Albans) in May 2011 for the erection of 75 dwellings to fund improvements to a school. The Inspector found that the application as a whole comprised inappropriate development that was harmful to the openness of the Green Belt. The Very Special Circumstances submitted included educational need, community use, academy status and housing (as the enabling role) and were considered to be sufficient.

Summary of Very Special Circumstances

- 11.62 The very special circumstances submitted by the applicant have been considered and assessed.
- 11.63 The strength and weight afforded the very special circumstances lies with the ability to secure them. The New School is a BSF funded programme and in accordance with its funding regime, planning permission has to be secured by a certain date. It is unlikely that the school development would not go ahead, particularly as there is a legally binding contract between all parties that the school will go ahead within a certain timeframe, once the university site is vacated. It is not deemed necessary to secure the development of the new school site through a Section 106 Agreement.
- 11.64 Similarly, the Academy has significant weight as a very special circumstance but only as long as it goes ahead. The applicant has been asked to provide the following which should be secured through a Section 106 Agreement:-
- a timeframe for delivery of the Academy;
 - details of the facility at Aldersley in terms of public availability and funding mechanism to ensure long term availability;
 - education contribution required prior to commencement of residential development.
- 11.65 To summarise the very special circumstances the following table shows the weight which has been attributed to each element. The very special circumstances need to outweigh the harm caused by reason of inappropriateness.

| <u>Very Special Circumstances</u> | <u>Weight afforded</u> |
|---|--|
| New Academy – benefits for sport | Significant weight |
| New School – benefits for education | Significant weight |
| Socio-economic benefits:- -Local economic benefits -Aldersley Village | Little weight Little weight |
| - Re-investment in the University | No weight – cannot be secured |
| -Benefits of improved facilities at the new St Edmunds school site | Little weight – no additional weight (already considered) |
| Harm if development not facilitated | Considerable weight to the Academy not going ahead and subsequent loss of benefits. Less weight for the school as, although the educational benefits are recognised, the 'fall-back' for the school is policy compliant. |
| 'Fall back' position | No weight |

- 11.66 In this case, all aspects of the very special circumstances case are relevant and have been appraised as individual elements. It is however important that the merits of this case are seen as a whole; where one or two circumstances are considered weak individually, when put together with the other weaker elements, could be said to have more weight.
- 11.67 For example, the benefits associated with the Academy provide a compelling case to demonstrate the existence of very special circumstances, but if all others were, in the opinion of officers considered to fail, could the case for very special circumstances rest on the benefits alone? The conclusion in this respect is that it can.

Conclusion of Green Belt Case

- 11.68 Whilst there are components of the overall development proposal that would be consistent with PPG2 Green Belts (in particular, the open playing fields), the significant built form would plainly represent “inappropriate development” and should therefore be refused on its face as being contrary to PPG2 – Green Belts, BCCS policy CPS2 and UDP policies G2, G3 and G4, should very special circumstances not exist to justify a departure.
- 11.69 PPG2 states that planning permission should be refused unless very special circumstances outweigh the harm caused by the inappropriate development.
- 11.70 There are significant merits in the case submitted which present a clear set of circumstances which are very special.. The main benefit would be the Academy centre for the football club. PPG17 states that sport and recreation are important components of civilised life and participation can help improve the individual’s health and sense of well-being and promotion of sporting excellence can help foster civic and national pride. In addition, there would be every prospect of the proposed facility benefiting the sport generally by attracting potential professional sportsmen and improving them to a standard whereby they could make a national contribution. It is also important to take into account the complete lack of suitable alternative locations for the facility. It is the judgement of officers that these benefits hold considerable weight and are very special circumstances.

- 11.71 It is acknowledged that the failure of the Academy to go-ahead and the realisation of the benefits identified above have considerable weight. The implementation of the Academy is dependant however, on the relocation of St Edmunds School to the university site.
- 11.72 A significant case has been submitted for the new school. The planning policy statement issued in August 2011 sets out the Governments' commitment to support the development of state-funded schools and their delivery through planning. The statement sets out their commitment to ensuring there is sufficient provision to meet growing demand, increased choice and opportunity to raise educational standards.
- 11.73 On balance, the benefits of the new school when compared with the fall-back of remaining on the existing site and having a refurbishment and extension cannot compare to the significant improvement in facilities which would be derived as a result of moving to the new site. It is therefore considered that these benefits hold considerable weight as very special circumstances.
- 11.74 The transfer of the Aldersley facility to the 'Community Trust' will be a benefit to the local community and subject to being secured over a long term period, can be given significant weight as a very special circumstance.
- 11.75 The overall development would result in new jobs which is a significant material consideration, particularly in the current economic climate. These benefits can only be fully realised if the whole development goes ahead. So while not considered as very special circumstances, this is a significant benefit which would be lost should the development not go ahead.
- 11.76 The new housing is identified as inappropriate development. There are some merits in the provision of new housing, although these would not constitute very special circumstances. There is a need for large detached houses in the City, and particularly in this location.
- 11.77 Officers have concluded, therefore, that the harm to the openness of the green belt as a result of the new academy, school and housing, would be clearly outweighed by the benefits to sport and education and resultant community benefits from the transfer of Aldersley to the Trust. This constitutes very special circumstances and clearly outweighs the harm caused by reason of inappropriateness of the development.

Transportation

- 11.78 *Site Access/Visibility* - The site access from Compton Park to Compton Road has good visibility in both directions. Additional Traffic Regulation orders are however recommended to discourage on-street parking on Compton Road considered to be more likely than existing due to the relocation of St Edmunds School closer to Compton Road junction. The revised layout indicates that the access for the new residential development would be located further into the site, which would overcome the queuing issue but is unlikely to achieve the appropriate visibility splay due to the proximity of mature trees.. A suggested solution to this would be to install some speed reduction measures in the vicinity to 'calm' traffic in the area so allowing a reduced visibility requirement.
- 11.79 *Transport Assessment Review* - A detailed review of the applicant's Transport Assessment and supplementary traffic surveys and assessments has been undertaken that concludes that the traffic impact from the proposed development is similar or less than that arising from the current and previous use of the site when the University was fully operational as well as the Wolverhampton Wanderers Training Facility and St Edmunds School. This is broadly confirmed by the supplementary traffic counts undertaken in October 2011. The applicants have undertaken a detailed

analysis of the Compton Park / Compton Road junction and the Linden Lea junction with Compton Road that demonstrates that both junctions would operate within capacity with limited traffic queues at peak times. The traffic impact from the proposed development is therefore considered to be acceptable.

11.80 *Parking Issues* - The proposed development includes 110 spaces for the residential element, which is in accordance with the Council's planning policy and is considered to be acceptable. The car parks proposed to serve the school and the football Academy are as follows:

- 70 spaces to the rear of St Edmunds School and a further ten spaces on the school frontage;
- 17 spaces for staff parking and a further 93 spaces for the Academy.

This level is considered to be acceptable for the day to day operation of the proposed developments as detailed in the Transport Assessment, however, there is some concern that there may be occasions when activity at the football training facility coincides with school opening hours and the demand for parking would exceed supply, leading to on-street parking. This concern is reinforced by a reference to the potential for 500 visitors at times to the Academy. Suggested measures that might serve to mitigate against this potential problem could include the adoption of the whole length of Compton Park so allowing the highways authority to manage parking. Also, a planning condition requiring a car park management plan for the training facility and Academy could be imposed that would cover the management of on-site car parking generally, but especially during events attracting significant spectators.

11.81 *Residential Layout* - Some issues of detail including provision of footways and traffic calming arrangements are still to be agreed; however the general road layout would be broadly acceptable.

11.82 The lengths and widths of driveways to some plots do not meet with WCC recommended dimensions but meet other acceptable standards of garage parking.

11.83 *St Edmund's Catholic School* – The drop off provision for the relocated St Edmund's Catholic School site would remain in its current location within the bus turn around point. The proposals include provision of a footpath across the grassed area as a means of pedestrian access from the drop off point to the new school. The drop off area is not the most convenient location and that parents may choose to drop off on Compton Park Road. This can be prevented with the implementation of a traffic regulation order on Compton Road West.

11.84 *St Peter's School* – although not part of the proposals, access arrangements to St Peter's School remain as existing. It should be noted that access to the school via the gated access off Newbridge Crescent should be restricted to public transport and emergency access only to avoid potential short cuts through the Compton Park site and to prevent amenity/parking issues for residents of Newbridge Crescent. A condition on a previous application attempted to manage this issue but does not appear to be effective in doing so. It would be reasonable and relevant to apply a more robust condition to deal with this issue.

Ecology

11.85 Circular 06/2005 to PPS9 states that "*the presence of protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat*". UDP policy N9 requires that where there is a strong indication that a site is used by protected species an application must be accompanied by an ecological survey and impact assessment, details of how the development will accommodate the needs of those

protected species and how any harm will be mitigated. The results of the submitted ecological survey show that the site is inhabited by bats.

- 11.86 Circular 06/2005 states that the presence of a protected species is a material consideration when a planning authority is considering a development proposal and the surveys must be conducted before the grant of planning permission. The bat survey undertaken identifies a small roost in the St Edmund's Catholic School building. The proposed mitigation includes measures in the new school building and proposed Academy such as bat boxes, and bat bricks to encourage roosting opportunities and to enhance the variety of roosting habitat available. This can be conditioned
- 11.87 The badger survey has identified three setts, of which one would be closed if the proposal were to go ahead. The badger survey identifies little evidence of foraging within the habitat which is to be lost to the residential development. As mitigation, new foraging resources will be provided through creation of new habitats associated with the SUDS and new native tree and shrub planting including fruit and nut bearing species and corridors of movement would be retained through the site. It is considered therefore that the proposed development would not result in harm or stress to badgers as a result of the development. A licence is required from Natural England and, subject to the proposed mitigation measures, the proposal is considered to accord with UDP policy N9 and PPS9.
- 11.88 The proposed development is expected to have varying degrees of impact on certain bird species. The spotted flycatcher would be affected by the loss of woodland which would reduce nesting and roosting and foraging resources. The impact on 27 other bird species is negligible and, other than during construction, the development would have a positive impact for barn owls, starlings and house sparrows. As mitigation measures to avoid disturbance to breeding birds, vegetation would be removed prior to the bird-breeding season (March-September inclusive). This can be conditioned.
- 11.89 The ecological appraisal states that the impact on the Local Nature Reserve is considered negligible with the exception of the proximity of the new housing (plots 18-21 and 34 – 38) to the boundary where plantation woodland backs on to proposed rear gardens. No direct access would limit any negative impact and the choice of boundary treatment is important in limiting loss of native vegetation. Officers agree with the conclusions of the report and a condition to prevent occupiers erecting rear fencing or means of enclosure is necessary. Having considered the views of residents, the Wildlife Trust and Smestow Valley Bird Group, in respect of loss of habitat, impact on wildlife and the local nature reserve it is not considered that there are sufficient reasons to refuse the application. A commuted sum is proposed to mitigate possible impacts on the local nature reserve but this is a recommendation in the ecological appraisal and has not been offered as a Section 106 obligation. This matter will be negotiated with the applicant.
- 11.90 The Sustainable Drainage System (SUDs) created in the western half of the site is a positive measure and would be designed to enhance foraging and nesting opportunities for wildlife, including birds. This is supported by BCCS policy ENV1 and Policy D12 as it will link to Smestow Valley Local Nature Reserve. A full design of the SUDs area should be conditioned.
- 11.91 The comments of Natural England were still outstanding at the time of writing this report.

Landscaping and Trees

- 11.92 The proposal will result in the removal of trees. UDP policy N7 seeks to preserve, enhance and extend the urban forest. The landscape principles are generally sound and the proposed additional tree planting across the site will mitigate the loss of some

trees. The proposal would seek to retain landscape features including mature trees and hedgerows where possible and create new habitats including the SUDS pond which would be in accordance with UDP policies N7, D6 and D12.

Impact on neighbours

- 11.93 Residential properties most likely to be affected by the proposals adjoin the site on the south west boundary. The likely impact on residents from the transportation issues has already been considered in the transportation section of this report.
- 11.94 Residents on the north side of Compton Road West would adjoin the proposed residential development. The levels in this part of the site and outside the site change significantly. The land slopes down from south-west to north east. There is a distance of 16m from a three storey block of flats (57 Compton Road West) to the boundary with proposed plot 54. The proposed house design would have no windows to habitable rooms overlooking this property, and sectional drawings submitted (although not wholly accurate) indicate that there would be a distance of 20m between the rear projecting gable (a glazed bay feature) and the side gable of the proposed new house. Provision of accurate levels and agreement to them can be conditioned if necessary, this issue could also be resolved through provision of accurate drawings demonstrating finished levels before any permission is issued. It is considered that these distances, when also taking into account the levels, would not result in any unreasonable loss of amenity to residents in these properties. The outlook for residents in these flats, would be adversely affected by the proposed development as a whole as a result of the loss of trees, however distances between principle windows and matters of privacy and overlooking have been fully considered and the development is in compliance with supplementary planning guidance in this regard.

Design Quality

- 11.95 PPS1 states that, “*good design is indivisible from good planning*” and that development should create or reinforce local distinctiveness. It also states that good design should contribute positively to making better places for people and that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted. This is supported by BCCS policies CSP4 and ENV3 which encourages all new development to be of a high quality which contributes to “creating a strong sense of place”.
- 11.96 *The Academy* – The proposed new indoor pitch has gently curved eaves and the roof pitch rises slightly to a curved ridge, the height of which is approximately 12.3m. This would be no more than the existing school. The building has been designed to limit impact on the green belt and, in design terms, this scale and height is acceptable.
- 11.97 The new academy would be constructed from a mix of modern and traditional materials. The building would be functional if not exceptional in its architectural appearance and would be visually cohesive with the existing training building. It is therefore considered acceptable.
- 11.98 The building is in the same position as the existing building which is a good opportunity to re-use the existing built up area rather than the green spaces. The car parking would be located behind the building and therefore obscured from view from the Compton Park access road, which means the building would not be dominated by parking.
- 11.99 *St Edmund’s Catholic School* – The proposed new buildings would be two storeys in height. This responds to the existing buildings which are a mix of single, two and three storey with a variety of roof shapes. On the west side of the site the new two storey teaching block and sports hall would be situated 10m from the rear boundaries of the

new housing development. There would be classroom windows on this elevation and a distance of between 20m and 25m between the rear elevations of new properties. This is acceptable and would be unlikely to result in overlooking or loss of privacy, particularly as existing trees would be retained and the boundary would be heavily landscaped to soften its impact on the openness of the green belt

- 11.100 The new building have would a flat roof to reduce its bulk and massing but when compared to the existing buildings would not appear out of place.
- 11.101 A small area of parking is proposed on the frontage but this will be significantly landscaped and the main staff car park would be at the rear of the site and would not result in any detrimental visual impact on the new building.
- 11.102 *Residential* – The proposed layout is an appropriate density and is designed to have a minimum impact on its surroundings with areas of open space and retained trees at key corners and road junctions within the layout. The houses would be two storeys in height which would reduce impact on its surroundings.
- 11.103 There is a single access road entering the site from Compton Park off which a number of private drives are served before the road forms a loop within the widest part of the site. This enables safe and secure layout with all the houses having a frontage onto the street
- 11.104 The houses are traditional in appearance and designed to create a mix of features including gabled elements, traditional brick detailing. stone cills, barge boards, finials and created ridge tiles.
- 11.105 Subject to materials being submitted (to be secured by condition) the proposal would be in accordance with BCCS policy CPS2 and ENV3 and UDP policies D3, D4, D5, D6, D7, D8, D9 and D10 and the residential development includes UDP policy H6.

Impact on Heritage Assets

- 11.106 The application site is partly in Ash Hill Conservation Area and is adjacent to Tettenhall Road Conservation Area and Staffs and Worcestershire Canal Conservation Area. Other Heritage Assets include The Cedars, Compton Road West, Bridge over Staffs and Worcestershire Canal (Meccano Bridge), Kingswinford Branch Railway and there is also potential for archaeological findings.
- 11.107 The built form elements of the proposal would not be located within the Ash Hill Conservation Area however an assessment needs to be made of the impact of the proposal on the Conservation Area which includes 'the Cedars'. The housing development adjoins the boundary with the Ash Hill Conservation Area but the low density of the layout and traditional appearance of the dwellings is considered acceptable and would preserve and enhance the conservation area in accordance with PPS5, BCCS policy ENV2 and UDP policies HE3 and HE4. The Cedars is not listed but is a building of value, culturally more than architecturally. The proposals would not result an adverse impact on The Cedars.
- 11.108 It is not considered that the proposals would impact on the Tettenhall Road or Staffs and Worcestershire Canal conservation areas due to the distance from the proposal. Although there is a glimpsed view of the 'Meccano Bridge' and Branch Railway the character of these views would be unchanged by the proposals.
- 11.109 Archaeological interests have been identified in the desk top study and an archaeological watching brief can be conditioned prior to commencement of development to safeguard any heritage assets.

Flood Risk

- 11.110 A flood risk assessment has been provided with the application as the site is over one hectare and includes areas of flood risk zone 3. Flood risk arises due to the existence of the culverted Graiseley Brook through the site, running along the boundary between the existing St Edmunds School and University sites, down to the Smestow Brook. Flood risk would therefore affect buildings on the eastern edge of the proposed school. The proposal is also required to provide run-off equivalent to greenfield rates in line with BCCS policy ENV5. A sustainable drainage system (SUDs) is proposed to serve the housing and school sites, which, together with other drainage and flood protection measures incorporated into the development, will sufficiently mitigate flood risk and ensure that the development is compliant with policy ENV5 regarding run-off rates.
- 11.111 The new SUDS feature consists of a large pond, which will have a boardwalk across it, and links to the adjoining culvert. The SUDS feature will be located on land forming part of the school site.
- 11.112 The Environment Agency has objected to the proposals as it does not take the opportunity to reopen the culvert which runs through the site. The applicant has provided an explanation why it would be unreasonable to do so and could jeopardise the development as a whole. Therefore on balance, the negative benefits of not opening up the culvert are considered to be outweighed by the benefits to sport and education which would result should the development go ahead.

Playing fields

- 11.113 The application would result in changes to the type and scale of sporting provision currently available at the site. There would be a loss of playing field and a loss of current tennis provision. However, the scheme also proposes significant investment into other provision at the site and this would also facilitate greater community access to the existing indoor football facility at Aldersely Leisure Village.
- 11.114 Furthermore, the proposals provide the opportunity to agree community access arrangements to the sporting provision associated with St Edmunds School and St Peters School. Collectively, the perceived potential sporting benefits of the proposed scheme are considered to outweigh the likely sporting detriment resulting from the playing field and tennis court loss. This being the case, Sport England considers that this application can be considered to be in accordance with exception E5 of their playing fields policy and has recommended a condition that details of a community use agreement are submitted prior to commencement of the development.

Noise Issues

- 11.115 The noise report recommends acoustic fencing on certain parts of the residential development to prevent noise from the tennis courts for St Edmunds School and to prevent excessive noise from traffic on Compton Road West and Compton Park. The residential layout has been amended and a 1.8m high brick wall is proposed which would provide adequate attenuation for the rear garden of plot 2 and is acceptable.

Planning Obligations

- 11.116 The planning obligations required for this development include affordable housing, off-site open space contribution, public art and 10% renewable energy. The applicant has offered a £2.5m contribution to the relocation of the new school in lieu of all normal section 106 contributions. The waiving of Section 106 contributions has been accepted on other housing developments within the City during the recent economic downturn, and where a site is financially unviable.

- 11.117 The District Valuer's (DV) Report (although in draft) confirms that the site is financially unviable, and, it is, on balance, acceptable that the benefits which would be afforded the new school outweigh the fact that normal planning obligations cannot be met and the education contribution is accepted in lieu of all other planning obligations.
- 11.118 However, the DV report is heavily caveated with Special Assumptions and 'strongly advises' that a clawback, review mechanism or overage provision should be applied to enable planning obligations to be secured in addition to the £2.5m financial contribution, in the event of additional surplus being generated from the residential development. Where the Council has agreed to mitigate planning obligations, a 'clawback' obligation should be incorporated within the Section 106 agreement to ensure that, if the subsequent development benefits from changes in market conditions so that profits exceed projected levels at the date of the Financial Viability Appraisal, an agreed share of that additional profitability / windfall will be paid towards the provision of planning obligations including affordable housing which would be prioritised towards offsite provision in this instance to accord with the Supplementary Planning Document – Affordable Housing principles.
- 11.119 The District Valuer's report when finalised will become the subject of further negotiations between the Local Planning Authority and the applicants, but will have in effect determined an agreed land price, education contribution sum and acceptable Developers profit return for this scheme
- 11.120 The above mentioned requirements together with the other planning obligation requirements referred to in this report comply with the tests in the Circular 5/2005 in that they are necessary to make the development acceptable in planning terms, directly relate to the development and are fairly and reasonably related in scale and kind to the development.

Other matters

- 11.121 **Renewable Energy** - BCCS policy ENV7 'Renewable Energy' includes the requirement for developments of over ten dwellings or 1,000m² non-residential floorspace to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This requirement can be conditioned.
- 11.122 **Waste** - BCCS policies WM1 'Sustainable Waste and Resource Management' and WM5 'Resource Management and New Development' encourages developments, like that proposed as part of this application, to address waste as a resource and to minimise waste as far as possible. It is considered that these requirements can be conditioned through the submission of a Site Waste Management Plan on any approval.
- 11.123 **Minerals** - The proposal site is located within a BCCS Mineral Safeguarding Area. BCCS policy MIN1 requires developers to explore the potential for mineral extraction prior to development for sites of over 0.5 ha in the Green Belt, and to submit information to demonstrate that mineral resources will not be needlessly sterilised by the development. No information has been provided. However, the development is considered to provide benefits which clearly outweigh the harm caused to the Green Belt and also prior extraction would result in abnormal delays which would jeopardise the viability of the development as BSF funding is dependent upon the need to be on site by April. The overriding need for the development outweighs the need to safeguard the mineral resources present on the site and the development is therefore in accordance with policy MIN1.

11.124 **British Waterways** - The additional request by British Waterways for the proposed development to contribute funding to improve the surface of the canal towpath over a distance of 1.43km between Tettenhall Old Bridge and Compton Bridge, is unreasonable and would not satisfy the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010 of being i) necessary to make to the development acceptable in planning terms; ii) directly related to the development; and iii) fairly and reasonably related to the scale and kind to the development, nor those of Circular 05/2005.

12. **Conclusion**

- 12.1 The proposals would result in “inappropriate development” in the Green Belt as defined by PPG2 and would impact on the openness of the Green Belt. The very special circumstances case submitted is convincing. The benefits which will result from the proposed football Academy, would benefit not only local people, but will impact nationally. The economic and community benefits from the creation of new jobs to boost the local economy and access to the Aldersley facility through the Wolves Trust would be significant. On balance, the harm to the openness of the green belt as a result of the new academy, school and housing, would be outweighed by the benefits to sport and education and resultant community benefits from the transfer of Aldersley to the Trust, which constitute very special circumstances and clearly outweigh the harm caused by reason of inappropriateness. The development is therefore in accordance with PPG2, BCCS policy CSP2 and UDP policies G2, G3 and G4
- 12.2 An unacceptable increase in traffic flows would not result as a consequence of the proposed development, subject to conditions that a Traffic Regulation Order is implemented on Compton Road West, traffic calming measures on the new residential layout and a car park management plan for the Academy. The proposal is in accordance with PPG13, BCCS policies TRAN2 and TRAN4 and UDP policy AM12.
- 12.3 The proposed development would not result in any harm to protected species or wildlife, subject to the proposed mitigation measures in the submitted ecology surveys. The proposal is acceptable subject to no overriding objection from Natural England; the proposal is in accordance with BCCS policy ENV1 and UDP policies N9 and D12.
- 12.4 The proposal would result in the loss of trees, and hedgerows but replacement planting is considered acceptable as mitigation and therefore the proposal is considered to be in accordance with BCCS policy ENV1 and UDP policies N6, N7 and D6
- 12.5 The proposed development would not result in any adverse impact on neighbours by reason of overlooking or loss of privacy and is in accordance with UDP policies D7 and H6.
- 12.6 The design of the proposal is in-keeping with its surroundings in terms of scale, massing and appearance. The layout of all aspects is acceptable in urban design terms and would be in accordance with BCCS policies CSP4, ENV2 and ENV3.
- 12.7 The impact on heritage issues has been carefully considered and the proposals preserve and enhance the conservation area and heritage assets, subject to a condition for further archaeological work prior to commencing. The proposal would be in accordance with PPS5, BCCS policy ENV2 and UDP policies HE4 and HE5
- 12.8 The proposed development would not result in any adverse flood risk and the explanation provided by the applicant why the culvert cannot be reopened is reasonable and the proposal would be in accordance with UDP policies EP6 and EP7.

13. Recommendation

13.1 That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00828/FUL subject to:-

- (i) No overriding objection from Natural England and the Fire Officer;
- (ii) Referral and no call-in by the Secretary of State;
- (iii) Negotiation and signing of a Section 106 Agreement to secure delivery of the Academy, and the payment of the education contribution prior to commencement of the houses and a clawback mechanism to secure future potential development surplus as contribution to off-site Affordable Housing as a result of the District Valuer's report and advice.
- (iv) Any necessary conditions to include:-
 - Habitat management plan (including during construction)
 - Materials
 - Remove PD rights for rear boundary fencing (plots 18-22 and 34-38)
 - Landscaping (including hard and soft features in the SUDs area)
 - External Lighting (including hours of operation)
 - Bat boxes, bat bricks in new school building and Academy
 - Archaeology
 - Arboricultural Method Statement
 - Gate to Newbridge Avenue used for bus access only
 - Boundary Treatment
 - Waste management
 - Community Use Agreement
 - Site investigation report
 - Cycle Parking (St Edmunds School)
 - Drainage
 - Measures to protect residents during construction
 - No loud speaker/public address system
 - Renewable energy
 - Ventilation and extraction details
 - Acoustic glazing
 - Acoustic fencing
 - Residential Travelwise
 - Traffic calming on access road
 - Travel Plans implemented
 - Traffic Regulation Order Compton Road West
 - Car park management plan
 - Targeted recruitment and training
 - Levels
 - Footpath links
 - Bin stores

Case Officer : Mr Stephen Alexander

Telephone No : 01902 555608

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00828/FUL

| | | | |
|---------------------|--------------------------------------|-------------------------|----------------------|
| Location | Compton Park, Wolverhampton, WV3 9DU | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 389187 299366 |
| Plan Printed | 24.10.2011 | Application Site Area | 235193m ² |

PLANNING COMMITTEE - 08-Nov-11

APP NO: 11/00887/FUL

WARD: St Peters

DATE: 21-Sep-11

TARGET DATE: 16-Nov-11

RECEIVED: 13.09.2011

APP TYPE: Full Application

SITE: 10 Broad Street, City Centre, Wolverhampton

PROPOSAL: External security shutter

APPLICANT:

Mr Sham Sharma
176B Newhampton Road East
Whitmore Reans
Wolverhampton
WV1 1HP

AGENT:

Mr Jacob Sedgemore
Stoneleigh Architectural Services Ltd
Compton Wharf
Bridgenorth Road
Compton
Wolverhampton
WV6 8AA

COMMITTEE REPORT:

1. Site Description

- 1.1 Located on Broad Street, an important way into the City Centre, the application site is an attractive three storey building consisting of a ground floor retail unit with residential properties on the upper floors. The property is in the Wolverhampton City Centre Conservation Area.
- 1.2 The unit until recently was trading as computer sales and repair business but is currently closed after being damaged in the August disturbances. The unit has a very attractive and historically accurate replica shopfront, consisting of well proportioned display windows with smaller windows above, stall riser and pilaster with appropriate architectural detailing and recessed doorway. This shopfront was funded by an historic buildings grant.

2. Planning History

- 2.1 On the 8 March 2007 planning permission was granted for a change of use to the ground floor to an internet café and two flats on the upper floors.
- 2.2 On the 8 March 2011 planning permission was granted by the Committee for a small external shutter to protect the recessed shop entrance from anti-social behaviour. However this planning permission has not been implemented.

3. Constraints

- 3.1 Wolverhampton City Centre Conservation Area

4. Relevant Policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan
 - D4 – Urban Grain
 - D9 – Appearance
 - D10 – Community Safety
 - HE5 – Control of Development in a Conservation Area
 - CC4 – City Centre Environment
- 4.2 Black Country Core Strategy
 - ENV3 – Design Quality
 - CSP4 – Place-Making
 - ENV2 – Historic Character and Local Distinctiveness

Other Relevant Policies

- 4.3 PPS1 – Delivering Sustainable Development
- PPS5 – Planning for the Historic Environment
- 4.4 Wolverhampton's Supplementary Documents
 - SPG5 - Shopfront Design

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).
- 5.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

- 6.1 No representations received.

7. Internal Consultees

- 7.1 **Historic Environment Team** - The property is a building of historic interest situated within the City Centre Conservation Area.
- 7.2 The proposed solid roller shutter would fail the statutory test for development within a conservation area, as it would neither 'preserve' nor 'enhance' its character or appearance. It would also be contrary to the advice contained in the Council's adopted Shopfront SPG.
- 7.3 The applicant has received a grant of £160,833.40, under the Broad Street Townscape Heritage Initiative (THI), for the restoration and repair of the property. The Broad Street THI was a partnership between WCC and the Heritage Lottery Fund (HLF) to secure improvements to the area's historic buildings, through the repair of historic fabric and the reinstatement of architectural details. The grant funded works to no.10 Broad Street included the installation of a traditional shopfront with a recessed entrance lobby.

- 7.4 It was a condition of the grant offer that the recipient maintains "... *the Property in a manner consistent with the then character, appearance and amenity of the area.*" The installation of a solid roller shutter would be in breach of this condition. If any conditions of the offer are breached, the applicant may be required to pay back all or part of the grant.
- 7.5 In bidding for the funding WCC gave assurances to the HLF that their investment would be protected through the application of robust conservation policies to preserve and enhance the character and appearance of the conservation area. The approved THI bid document submitted by WCC states "*It is vital that public investments made through regeneration initiatives, such as the THI, are not undermined by subsequent actions. The local authority is, therefore, committed to making full use of its planning policies to support and protect public investments.*" A statement of commitment signed by the Chief Planning Officer was appended to the bid. Any relaxing of these policies may jeopardise future bids for HLF funding.
- 7.6 A survey of shopfronts targeted during the recent disturbances, carried out with the Police Architectural Liaison Officer, revealed those premises that best appeared to resist attempts to gain access, were laminated/toughened glass with internal shutters had been installed.
- 7.7 The proposed development would have an adverse impact on the character and appearance of the City Centre Conservation Area and would be contrary to Council policy.

8. External Consultees

- 8.1 **Wolverhampton Civic and Historical Society** – Awaiting response
- 8.2 **West Midlands Police** - Regarding external security shutters the view of Wolverhampton Police has remained the same and in that they will support a planning application for external roller shutters where they are appropriate and acceptable to City Planners. Where external roller shutters are not appropriate or acceptable to City Planners then the applicant may have to consider alternative ways of introducing security at the front of their shop. Such measures might include internal shutters that do not usually require planning permission and laminated glass which resists attack.
- 8.3 With regard to the Shop at 10 Broad Street a police officer did visit the shop with council officers although no one was present at the shop during the time of the visit. 10 Broad Street appeared to have laminated glass and internal window grilles. The windows had been attacked and though the windows had been smashed they remained intact and no entry had been gained through those windows. The officer stated he understand that entry was gained by forcing the front door of the shop and it was the door that was unable to resist attack. The officer was of the opinion that a more robust front door and lock may have prevented entry to the shop.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 When an application is situate in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must

ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act. (LD/11102011/G)

10. Appraisal

- 10.1 The main issues to consider with this application are the security and prosperity of the business and the effect of the external shutter on the shopfront, the conservation area and viability and vitality of the City Centre.

The Security of the Premises

- 10.2 It is appreciated that the application premises were targeted during the recent disturbances in the City. However, it is noted that access was gained through the vulnerable entrance door. The laminated glass windows were broken but the internal grilles and windows were not breached by the rioters. A number of acceptable options to improve the doorway security had been suggested to the applicant, but planning permission for an external security shutter to cover the doorway was granted by Committee in March 2011. However the approved security shutter has not been installed and the doorway remained susceptible to attack during the disturbance.
- 10.3 It should be noted that during the disturbances both shops with and without shutters in the City were attacked and entry gained. However these disturbances must be taken in context in that they are an extremely rare event and should not justify the use of inappropriate security measures contrary to established council policy, which would be detrimental to the locality and the wider City Centre environment.
- 10.4 The Council policy urges the use of internal shutters and laminated glass as a means of securing retail properties. While shutters can protect a shop against intruders they are vulnerable to attack as they are located outside the building and usually away from the alarm system. If the design of the building allows, any shopkeeper can usually fit internal roller shutters or grilles inside the shop behind the windows without planning permission. Under those circumstances there is opportunity to ensure that any alarm system is activated before the internal shutters or grilles are attacked by the intruder.
- 10.5 The applicant has indicated that unless planning permission is granted for the proposed shutter he will be unable to obtain insurance cover for the premises. However there are a substantial number of retail units in the vicinity of the application premises which do not have external shutters, it is assumed the owners of these businesses have been able to obtain insurance cover.

Shopfront Appearance

- 10.6 The current shopfront was installed in 2009 under the Broad Street Townscape Heritage Initiative, for the restoration and repair of the property. The Broad Street THI was a partnership between WCC and the Heritage Lottery Fund to secure improvements to the area's historic buildings, through the repair of historic fabric and the reinstatement of architectural details. The grant funded works to no.10 Broad Street included the installation of a traditional shopfront with a recessed entrance lobby.
- 10.7 The new shopfront is both attractive and historically accurate. The proposed external security shutter would introduce a harsh, foreboding element which would look out of context with and at odds to the traditional appearance of the shopfront. The shutter would also inevitably effectively remove the attractive shopfront from view when the shutter was closed adversely affecting the appearance of the streetscene.

The City Centre Conservation Area

- 10.8 When considering development within a conservation area the development must preserve or enhance all features which contribute positively to the character of the area. The proposed shutter fails this statutory test as it would appear as bulky and unnecessarily cumbersome feature materially harming the attractive shopfront. Solid external security shutters create a sterile and deadening effect and have a harsh and foreboding appearance when closed. Placing shutters next to footways as would be the case with this proposal, creates a feeling of oppression, intimidation, unease and apprehension in pedestrians, contributing to a fear of crime. This in turn would adversely affect the Conservation Area and reduce the viability and vitality of the wider City Centre. Consequently the proposal is contrary to UDP Policies HE5 and D10.

City Centre Vitality

- 10.9 The Council are committed to helping businesses thrive particularly those situated within the City Centre. The security of retail units within the Centre must be balanced against the need to maintain and nurture an environment which encourages commercial growth and attracts visitors into the City Centre. To that end it is vital the Council ensure the right image is portrayed across the City. Broad Street is one of the gateway approaches into the centre and higher standards of design are required from new developments at this location.
- 10.10 The use of solid external security shutters as a means of protecting shopfronts generates a blank and inhospitable image and atmosphere. Although each planning proposal is decided on its own merits granting planning permission for this shutter would make it more difficult to oppose similar applications for other shops. Any application that would erode the viability and vitality of the City Centre should be resisted as it would damage the opportunity to attract new investment and businesses to the City.
- 10.11. Broad Street is one of the main access roads into the City Centre and has benefited from recent investment from the Broad Street Townscape Heritage Initiative which has approved grants for the improvement of the application property as well as other properties in the locality. Also well publicised enforcement action was recently taken by the Council to physically remove similar external shutters from another shop front at No's 27, 29, 31 and 33 Broad Street.
- 10.12 In order to protect the image of this important location the Planning Enforcement Team has taken enforcement action to have unauthorised shopfronts and external security shutters removed from other premises within the street. Although it is appreciated that a number of external security shutters remain on shopfronts within the street, these have been in place for over four years and are now exempt from planning enforcement action. However the Council will continue to improve the appearance of the area and seek the removal of external shutters whenever the opportunity arises.

11. Conclusion

- 11.1 The security of the application property although an important issue, it can be achieved by other more acceptable means and must be balanced out against the implications of allowing external shutters as a means of shopfront security and their affect on the City Centre environment. Although it is appreciated this unit was attacked during the recent disturbances, this disorder was a rare event and must be taken in that context. It is believed that adequate means of securing the premises can be achieved by laminated glass and internal grilles together with either the approved doorway security shutter or some other acceptable means of securing the doorway. Planning permission would not be needed for this arrangement and a 100% grant to cover the costs of this is available under a Council run Government scheme. Earlier this year the premises were awarded a grant of £160,833.40, under the Broad Street Townscape Heritage Initiative (THI), for the restoration and repair of the property

including the insertion of the present shopfront. Also this year, the business received a £3,500 business grant.

- 11.2 The use of external security shutters is actively discouraged by the Council due to the detrimental impact they have on the appearance of shopfronts and the adverse affect they have on the locality. The introduction of a shutter at this important location will adversely affect the appearance and character of the shopfront, Conservation Area and the City Centre. In addition the deadening and intimidating appearance the shutter will help to create will promote the fear of crime and consequently be extremely harmful to the viability and vitality of the City Centre. The proposal is therefore contrary to BCCS Polices ENV3, CSP4, UDP Polices D4, D9, D10, HE5, CC4 and SPG No.5

12. Recommendation

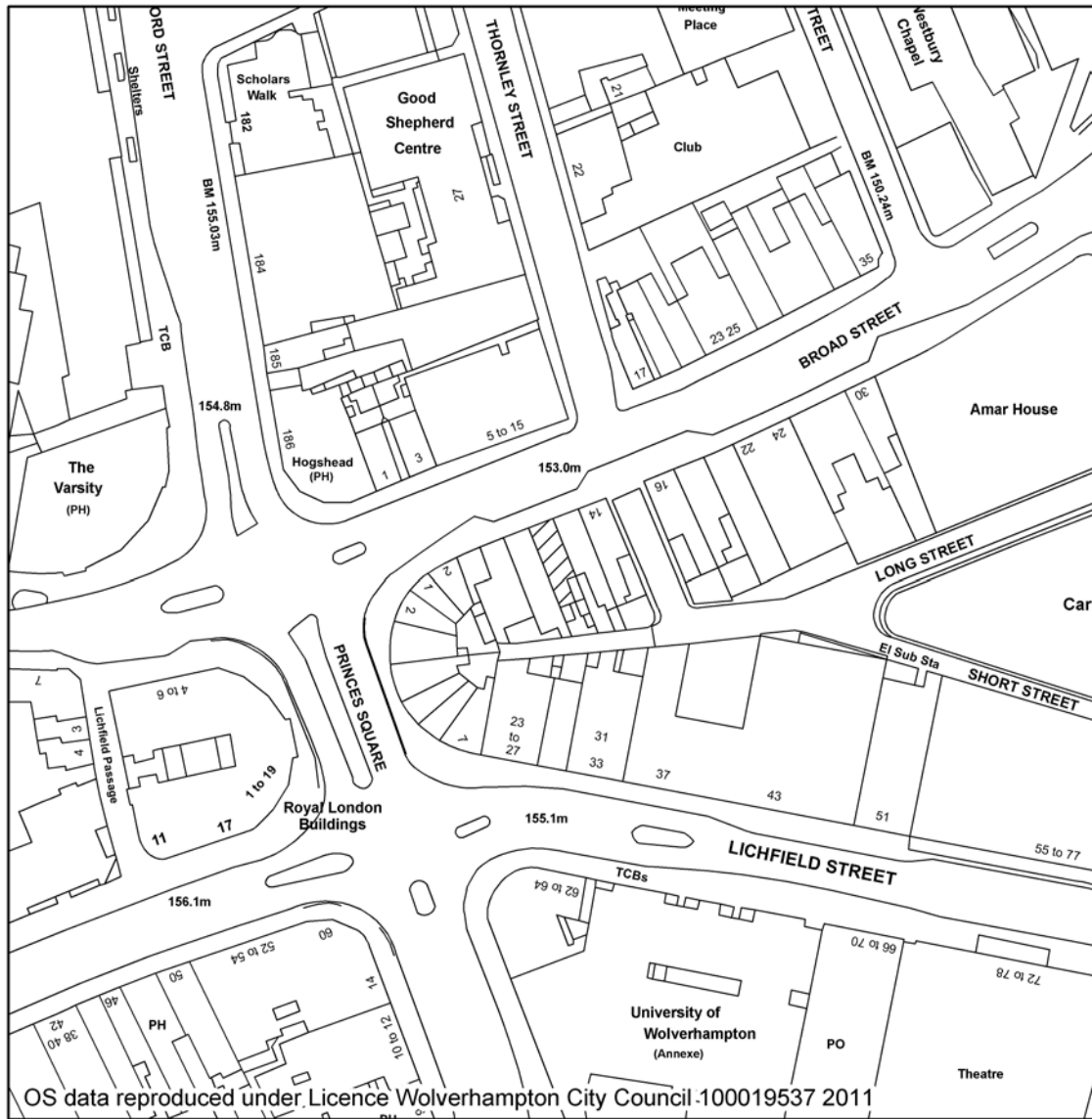
- 12.1 That planning application 10/01266/FUL be refused for the following reason:

The proposed shutter fails to create a strong sense of place and would have a detrimental impact on the appearance of the shop front, the street and the city centre as a whole, creating a threatening and forbidding appearance. The shutter would also fail to preserve or enhance the character of the Conservation Area and adversely affect the vitality and viability of the City Centre. The proposal is therefore contrary to BCCS Polices ENV3, CSP4, UDP Polices D4, D9, D10, HE5, CC4 and SPG No.5

Case Officer : Mr Colin Noakes

Telephone No : 01902 551132

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00887/FUL

| | | | |
|---------------------|---|-------------------------|------------------|
| Location | 10 Broad Street, City Centre, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 391610 298827 |
| Plan Printed | 24.10.2011 | Application Site Area | 57m ² |

communal garden area for residents with a large space to the north of the development to become a grassed open space.

- 2.2 Parking accommodation for residents is proposed for up to eight vehicles. The development also proposes three designated parking spaces for the two dwellings facing onto Bridgnorth Road.
- 2.3 The application proposes to improve the visibility into and from the site access by altering the pedestrian rail design on the bridge crossing the canal from the north-west.
- 2.4 It is proposed that the existing business, which has been operating on the site since 1986, would be relocated. The existing business has developed from building canal boats to selling boat equipment and services. The business is not reliant on being adjacent to the canal as this only provides a small percentage of its trade. Due to the volume of sales the site does not have enough storage space to accommodate stock levels required to fulfil orders, despite the introduction of numerous storage containers on site. The majority of business comes via road for online sales and subsequent delivery. The applicant is therefore keen to relocate the business to a more appropriate location in the city. A potential site has been identified at the Dunstall Hill Industrial Estate. The applicants state that the relocation of the business could create two further jobs making a total of six jobs.

3. Planning History

- 3.1 11/00588/CON for Demolition of building stores - Granted, dated 18.07.2011.

4. Constraints

- 4.1 Authorised Processes
Staffordshire, Worcestershire & Shropshire Union Canal Conservation Area
Flood Zone
Green Belt
Landfill Gas Zone
Adjacent to a SLINC

5. Relevant policies

- The Development Plan
 - 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain
D5 - Public Realm Public Open Private Space
D6 - Townscape and Landscape
D7 - Scale - Height
D8 - Scale - Massing
D9 - Appearance
D10 - Community Safety
D11 - Access for People with Disabilities part
D12 - Nature Conservation and Natural Features
D13 - Sustainable Development Natural Energy
EP5 - Noise Pollution
EP6 - Protection of Ground Water, Watercourses, Canals
EP9 - Sustainable Drainage Arrangements for Development
HE3 - Preservation and Enhance of Conservation Areas
HE4 - Proposals Affecting a Conservation Area

HE5 - Control of Development in a Con. Area
N1 - Promotion of Nature Conservation
N4 – Protection, Declaration and Enhance of Local Nature Reserves
N7 - The Urban Forest
N9 - Protection of Wildlife Species
H6 - Design of Housing Development
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
G2 - Control of Development in the Green Belt

Black Country Core Strategy

ENV1 – Nature Conservation
ENV2 – Historic Character and Local Distinctiveness
ENV3 – Design Quality
ENV4 - Canals
CSP4 – Place Making
DEL2 – Managing the Balance between Employment Land and Housing
HOU1 – Delivering Sustainable Housing Growth
TRAN2 – Managing Transport Impacts of New Development

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development
PPG2 – Green Belts
Draft National Planning Policy Framework

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

- 7.1 Two representations received one in support and one objecting to the proposal.
- 7.2 Support for the proposal was on grounds that the development would be a boost to the local economy, create employment and improve the visual amenity
- 7.3 The objection is on the grounds of highway safety, particularly in respect of visibility and pedestrian accessibility into the site.

8. Internal consultees

- 8.1 **Planning Policy Section** – The proposal is by definition 'inappropriate' development in the Green Belt and therefore needs to demonstrate the "very special circumstances" required to satisfy Green Belt policy. The very special circumstances put forward by the applicant can be summarised as follows;

- The continued use of the site for its current use is not considered viable or practical.
- Improved wildlife and landscape provision will be made;
- Address negative views around the site, thereby enhancing its setting within the Conservation Area;
- The larger building height and volume is countered by the design approach which leads to the building and frontage of the site having minimal visual impact on the openness of the area;
- Improved amenity for neighbouring residents;
- Improve access to and from the site.

8.2 Whilst these address issues for development on the site, it is still considered that the proposal does not demonstrate “very special circumstances”. It is considered that most circumstances given relate to matters which all development even in a non-Green Belt location would need to deliver and therefore do not demonstrate ‘very special circumstances’ in the Green Belt context.

8.3 **Landscape & Ecology** – No objection subject to a condition requiring a detailed landscape plan

8.4 **Tree Officers** – The rear of the L-shaped building will be very close to an elevated section of old railway line which has large mature trees along the entire length. The proposal will lead to conflict with apartment windows in this section of the building and subsequent likely requests for reduction/removal of the trees.

8.5 **Historic Environment Team** – No objection, subject to conditions requiring samples of all materials and large scale architectural detailing.

8.6 **Environmental Services** – No objection subject to conditions restricting hours of operation during construction and a site investigation.

8.7 **Transportation Development** – No in-principle objection, however despite the potential improvements proposed to the site access the visibility would still be poor to the north-west.

9. **External consultees**

9.1 **British Waterways** – No objections subject to the inclusion of appropriate condition and advice notes relating to lighting, drainage, landscaping, protective barriers to preventing vehicles from entering the canal.

9.2 **Natural England** – No objection.

9.3 **Inland Waterways Association** – No comments received

9.4 **Wolverhampton Civic and Historical Society** – No comments received.

10. **Legal Implications**

10.1 General legal implications are set out at the beginning of the schedule of planning applications.

10.2 As the property is within the Green Belt the guidance set out in PPG2 must be taken into account. There is a general presumption against inappropriate development in the Green Belt and such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will

not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

- 10.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act.

(LD/26102011/T)

11. Appraisal

- 11.1 The key issues are: -

- Is the proposal 'appropriate development' within the Green Belt?
- Do very special circumstances exist to justify the development?
- Impact on conservation area
- Character and appearance
- Neighbour amenity
- Access and parking
- Impact on nature conservation
- Loss of employment land

Is the proposal 'appropriate development' within the Green Belt?

- 11.2 PPG2 states that within the Green Belt there is a general presumption against, 'inappropriate development' unless it is within the following categories of 'appropriate' development. These are:
- Agriculture and forestry;
 - Essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve and the openness of the Green Belt and which do not conflict with the purposes of including land in it;
 - Limited extension, alteration or replacement of existing dwellings;
 - Limited infilling of existing villages;
 - Limited infilling or redevelopment of major existing developed sites identified in adopted local plans.
- 11.3 The proposal does not come within any of these defined categories of Green Belt 'appropriate' development and is therefore inappropriate development which, by definition, is harmful to the Green Belt.
- 11.4 To justify inappropriate development in the Green Belt, PPG2 states that there must be circumstances which can reasonably be described not merely as special but as 'very special', and that these circumstances will not exist unless the harm to the Green Belt, by reason of its inappropriateness, and any other harm, is clearly outweighed by the benefits (individually or when taken together) of these 'very special' circumstances.
- 11.5 PPG2 also states that the Secretary of State will attach substantial weight to the harm to the Green Belt, by definition or otherwise, when considering any planning application referred to him or in any appeal.

- 11.6 The draft National Planning Policy Framework (NPPF) states that ‘very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations’.

Do very special circumstances exist to justify the development?

- 11.7 The Courts, and appeal decisions, have indicated that material considerations can cover a wide range of matters and that, even if the material considerations do not carry significant weight individually, they can, when taken together, be capable of amounting to very special circumstances. In respect of very special circumstances the ruling in *Basildon DC v FSS* [2005] EWHC 942 stated that;

‘It is not necessary to show that each and every factor in itself amounts to a very special circumstance, but that the combination of circumstances, viewed objectively, is capable of being described as ‘very special’. A number of ordinary factors may when combined together result in something very special’.

- 11.8 The applicant cites a number of what they consider to be very special circumstances. In summary these are:

- (i) The proposal would address negative views around the site, thereby enhancing its setting within the conservation area.
- (ii) The existing business is no longer viable in its existing location
- (iii) Extending the ‘nature’ area and improve provisions for wildlife
- (iv) Create an improved access
- (v) Improve spatial quality
- (vi) Improve amenity for adjoining residential dwellings

- 11.9 Each of these issues will be assessed individually as follows;

i) The proposal would address negative views around the site, thereby enhancing its setting within the conservation area.

- 11.10 The site currently contains a main storage building located centrally within the site. There are a number of temporary modular buildings in proximity around it. The buildings on site are of no historic or architectural quality.
- 11.11 It is argued that the existing buildings, storage containers and associated activity are having a negative impact on the visual quality of the conservation area. It is acknowledged that the existing buildings do not contribute positively to the visual appearance of the conservation area. However the association of the business and the passing trade from the canal boat moorings do contribute towards to the historic character of the conservation area.
- 11.12 It is therefore considered that whilst the proposal, by removing the existing buildings, would enhance the visual quality of the conservation area, it would potentially be at the loss of local character associated with the chandlery business which operate in connection with the canal. It is acknowledged that the forecourt and mooring will be retained as part of the proposal, therefore retaining these local characteristics.
- 11.13 Weight can be applied to the positive impact that the proposal would have in terms of visual amenity. The removal of a number of architectural and historically unimportant buildings and replacement with a building of a better quality would enhance the visual appearance of the site. This must be balanced against the loss canal related business, albeit the small percentage of trade that this provides. The loss of local character associated with the canal related aspects of the present operation and its buildings, would go against the positive visual aspects of the proposal in respect of the conservation area. Overall it is considered that positive weight can be applied to the

visual enhancement of the site and the retained element of character in respect of the moorings and forecourt.

ii) The existing business is no longer viable in its existing location

- 11.14 The current use has evolved from building canal boats to selling and distributing boating equipment, there is also an ancillary retail store for passing canalside trade.
- 11.15 In respect of canalside trade, it is argued that use of the site for canal boat repair is severely hampered by the absence of a slipway which requires that boats are craned on to the land which is an expensive operation that is unviable and unaffordable. It is also argued that the numbers of moorings is minimal and unviable to provide a resting facility when viewed in the presence of better equipped and served moorings at Oxley and Stourbridge.
- 11.16 It is acknowledged that there are better equipped moorings and facilities at Oxley and Stourbridge marinas, which make the canal related aspects business unviable in its current location. Alternative commercial uses for the site have not been explored as it is argued that the continuation of the site for commercial use would not improve the access arrangement nor remove the 'negative' visual appearance of the site (unless planning permission was required, when some improvement might be secured as a condition of permission).
- 11.17 In respect the storage and distribution of element of the business, it is stated that 'due to the volume of sales [there is] not enough storage to accommodate the stock levels needed to fulfil orders'. It is therefore apparent that the business has outgrown its site and therefore needs to relocate to a larger and better equipped site.
- 11.18 The viability of the business in its current location and its potential relocation to a more appropriate site to support the growth of the business does form a material consideration. Whilst the continued growth of the business is supported, it is not considered that this carries significant weight towards demonstrating very special circumstance to justify inappropriate development in the green belt.

iii) Extend nature area and improve provisions for wildlife

- 11.19 The site forms part of the Smestow Valley local nature reserve and is adjacent to a site of 'Local Importance for Nature Conservation'(SLINC). It is proposed that the development will increase the area for foraging and with new trees and bat boxes proposed this would increase the roosting area for wildlife.
- 11.20 The sites close proximity to an area of local importance for nature conservation and proximity to the Smestow Valley local nature reserve would form an important consideration regardless of the site's location in the green belt. The development would create an enhanced area for the potential foraging of wildlife. The proposed enhancements do carry positive weight, however it should be acknowledged that the site forms a very small proportion of the Smestow Valley local nature reserve and the potential impact, albeit positive, would be fairly minimal. Positive weight can therefore be attached to the proposals to improve provisions for wildlife; however this must be balanced against the small scale of the enhancement to the Smestow Valley local nature reserve.

iv) Create an improved vehicular access

- 11.21 The submission argues that the existing use attracts large numbers of goods vehicles, trucks, vans and heavy plant and that this is having a negative impact and removing this use will have a positive impact on the character of the green belt. It is also

proposed that the visibility splay to the north will be improved by altering the railings on the canal bridge.

- 11.22 The removal of the heavier elements of traffic which presently visit the commercial use will would have a limited positive effect, however it is not considered that this would carry much weight towards demonstrating very special circumstances.
- 11.23 It is acknowledged that the proposal may improve visibility to the north for vehicles entering and exiting the site. This proposed improvement to the visibility splays is welcomed and is regarded positively in respect of this application. However it should be recognised that the visibility splays are still below the recommended standards as advised in Manual for Streets. Therefore a proportional positive weight can be attached to the proposed highway improvements, when considering the case for very special circumstances.

v) Improve spatial quality

- 11.24 The submission states that the proposed apartment building-line would be in line with the existing chandlery store frontage. The existing frontage of the store is 18.3m (6.1m for the adjacent shed) and the frontage of the apartment building would be 19.8m. There are also number of temporary structures and storage containers on the site. It is argued that the proposal would rationalise the variety of structures into a compact visually better built form.
- 11.25 It is acknowledged that by removing the dispersed collection of various structures on the site at present, the development has the potential to improve the visual quality of the site. This has already been recognised in paragraph 11.13. However the scale and massing of the structure now proposed would exceed that of the existing building in height and massing..
- 11.26 The development would contribute positively by removing the temporary containers and structures which currently reside on the site; however the proposed building would exceed that of the existing buildings in height and massing. Overall, positive weight can be applied as the proposal will result in a several temporary structures across the site being removed, however this needs to be balanced against the greater scale and massing of the proposed building to the existing arrangement and the impact of this on the openness of the green belt.

vi) Improve amenity for adjoining residential dwellings

- 11.27 The proposed residential use would generally be considered more compatible with the adjoining residential dwellings than the storage and distribution business and salvage and repair yard for canal boats. Although the residential properties are owned by the applicant there is potential for future conflict should the land change ownership. Therefore positive weight can be applied to this argument, however it is not considered that carries significant weights as the case is largely speculative on the future use and ownership of the site.

Character and appearance and impact on Conservation Area

- 11.28 The application site is partly within the Staffordshire, Worcestershire and Shropshire Union Canal Conservation Area. The existing buildings on site do not visually contribute in a positive way to the character of the conservation area from a visual aspect, or an historical or architectural context. The proposed apartment building is well designed and takes inspiration from canalside architecture and it is accepted that in this way would enhance the visual appearance of the Conservation Area. This architectural style and design is appropriate to its context. The use of red brick and clay tiles demonstrates a high standard of materials in the design.

11.29 The present canal related aspects of the existing use however, i.e. re-fuelling facilities and canal boat parts store, do contribute towards the present and historic character associated with the canalside conservation area. However it is acknowledged that the canal only provides a small percentage of narrow boat trade for the existing business and that the canal moorings are to be retained as part of the proposal.

11.30 Upon balancing the impact of the proposal, in terms of enhancing the visual amenity against this loss of character, on the conservation area, it is considered that the balance is in favour of the application and so the proposal would be in accordance with UDP policy HE4 and HE5. The successful integration of the scheme will depend on the quality of material and detailing; therefore subject to conditions in respect of these, the proposal would be in accordance with UDP policy D7, D8, D9 and ENV3.

Neighbour amenity

11.31 The application site is to the rear of 2, 4 and 6 Bridgnorth Road which form two residential dwellinghouses. The proposed apartment building would be of a scale, massing and distance from the rear of these dwellings to not adversely affect residential amenity to an unacceptable degree.

11.32 The proposal is therefore in accordance with UDP policies D7 and D8 of the UDP.

Access and parking

11.33 The parking provision for the proposed development is adequate to meet the likely demand. A further four spaces are proposed for the existing dwellings facing onto Bridgnorth Road, which is appropriate.

11.34 The existing vehicular access is poor by reason of the limited visibility to the north. The proposal seeks to make improvements to this visibility splay by providing a more see-through railing on the canal bridge which would improve visibility. Taking into consideration that the use of the vehicular access is likely to be reduced and the proposed improvements to visibility, the access arrangements are considered appropriate.

11.35 It is therefore considered that the proposal is in accordance with UDP policies AM12 and AM15.

Impact on nature conservation

11.36 The ecological survey submitted in support of the application satisfactorily addresses issues in respect protected sites, species and habitats. Subject to appropriate conditions as recommended in the ecology report the proposal is in accordance with UDP policy D12, N9 and BCCS policy ENV1.

Loss of employment land

11.37 The existing site is considered to be employment generating land by reason of the existing use. It is proposed that the existing business would be relocated to a more suitable location for size, access and delivery purposes within the city. The development would therefore not adversely affect the operation of the existing employment use. The land is not identified as a site to be identified for employment purposes and therefore it is considered that the proposal satisfactorily addresses BCCS policy DEL2.

12. Conclusion

12.1 The primary consideration is whether the benefits of the scheme amount to the very special' circumstances required which would clearly outweigh any harm resulting from the proposal which is by definition, a form of "inappropriate development" in the Green Belt, to justify the development. The case for very special circumstances can be a

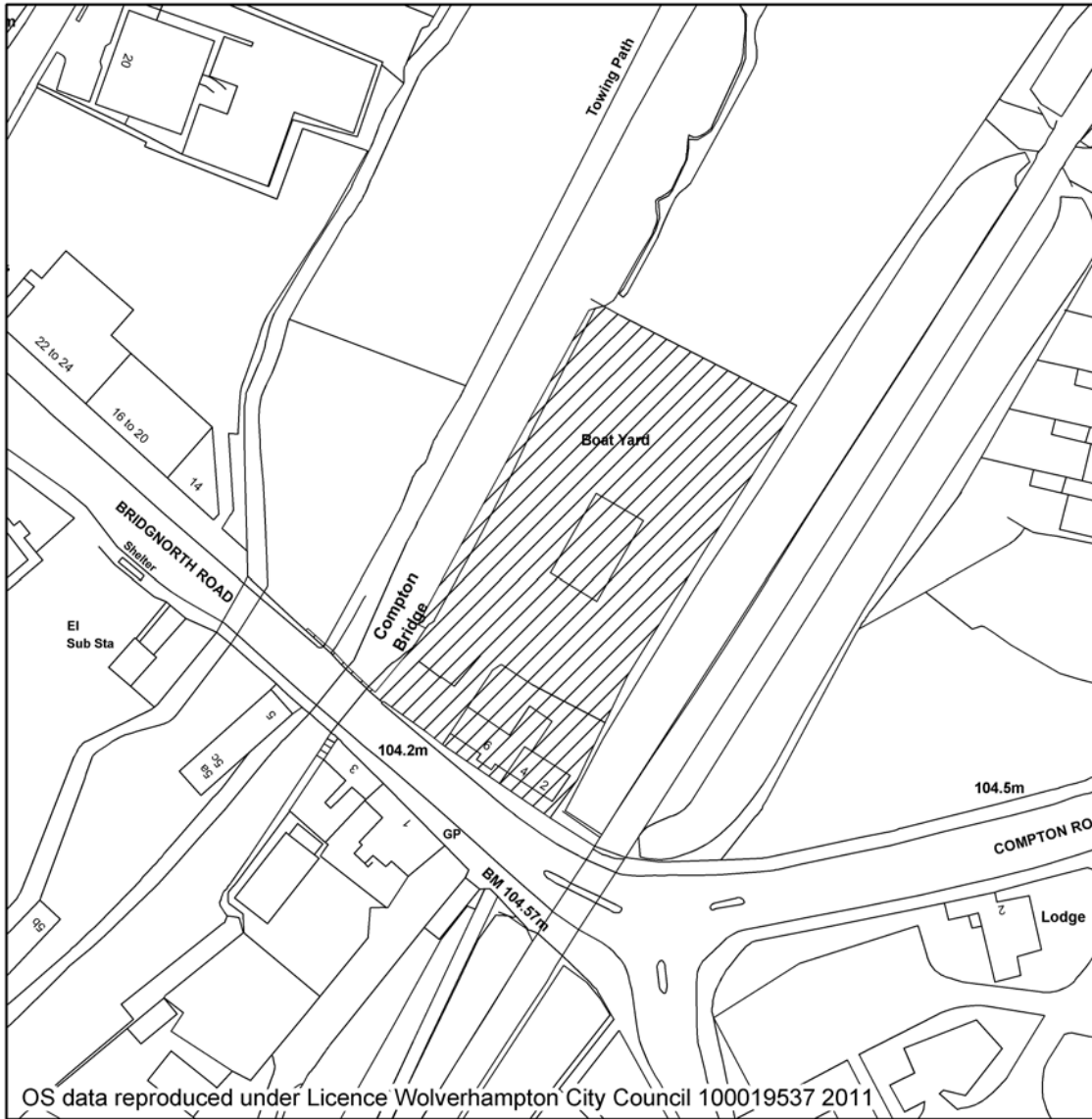
collection of material considerations which can, when viewed together, be considered to amount to very special circumstances. In this instance it is not considered that there is one very special circumstance and therefore the case must be made for a collection of material considerations amounting to very special circumstances.

- 12.2 The proposed development would have a positive impact in respect of the visual appearance of the site simply by the removal of the existing structures on site which are of no architectural or historic quality. Its replacement with a well designed and architecturally significant building would enhance the visual appearance of the site and setting of the conservation area. However the loss of the canalside business use and the facilities that it does provide, albeit relatively limited, would detract from the present and historic character of the site.
- 12.3 It is acknowledged that a consequence of the development would be the removal of a number of temporary structures and containers which are littered across the site, however when balanced against the scale and massing of the proposed building it is considered that the proposed development would have a greater impact on the openness of the green belt.
- 12.4 Whilst other justification has been presented to support the proposal in a positive way, it would be reasonable to expect visual improvements, improvements to the access, enhancements to surrounding wildlife and residential amenity, as part of any planning application for development of this site. Therefore it is not considered that these arguments carry significant weight towards demonstrating very special circumstances
- 12.5 The case has been put forward that cumulatively the material considerations presented amount to very special circumstances to allow inappropriate development in the green belt. It is acknowledged that the proposal would visual enhance the appearance of the site; however the scale and massing of the building would detract from the openness of the green belt. The other materials considerations pertaining to viability of the business in its current location, wildlife enhancement, improved access and residential amenity do not carry sufficient weight to successfully argue the case for very special circumstances. It is therefore concluded that very special circumstances have not been demonstrated to justify inappropriate development within the green belt. The proposal is therefore contrary to local and national policies.
- 12.6 Notwithstanding the green belt issues, the proposal is in accordance with conservation, neighbour amenity, access/parking, employment land and nature conservation policies.

13. Recommendation

- 13.1 That planning application 11/00568/FUL be refused for the following reason;
- (i) The application does not adequately demonstrate that very special circumstances exist to outweigh the harm caused by the proposal, by reason of inappropriateness to the Green Belt. The proposal is therefore contrary to UDP policy G2, BCCS policy CSP2 and PPG2.

Case Officer : Mr Mark Elliot
Telephone No : 01902 555648
Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00568/FUL

| | | | |
|---------------------|--|-------------------------|--------------------|
| Location | Land Adjacent To And Rear Of 6, Bridgnorth Road, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 388359 298810 |
| Plan Printed | 24.10.2011 | Application Site Area | 2857m ² |

PLANNING COMMITTEE - 08-Nov-11

APP NO: 11/00871/FUL

WARD: St Peters

DATE: 08-Sep-11

TARGET DATE: 08-Dec-11

RECEIVED: 08.09.2011

APP TYPE: Full Application

SITE: Land At Gatis Street, Including The Victoria, Former Skills Centre And Council Depot, Wolverhampton, WV6 0QJ

PROPOSAL: Residential Development (97 Dwellings) and associated roads and open space

APPLICANT:
Bellway Homes West Midlands Ltd & Remax
Properties Ltd
c/o Agent

AGENT:
Mr Andy Williams
Advance Land & Planning Limited
6 Stafford Place
Shifnal
Shropshire
TF11 9BH

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is approximately 1.5km north-west of the City Centre and covers an area of approximately 2.7 hectares. The surrounding area is predominantly residential in nature.
- 1.2 The application site previously accommodated a Council Depot, Training Centre and public house/club known as the Victoria. The buildings have recently been demolished and the site cleared in preparation for development.
- 1.3 The site is relatively flat, although at the northern boundary the land is higher than that of the adjoining housing estate.
- 1.4 To the south of the application site is the other half of the former industrial estate. At the moment a clothing retailer is located in the building, although the building appears to have an unrestricted permission for industrial purposes.

2. Application details

- 2.1 The application seeks full permission for the residential redevelopment of the site for 97 houses, including 24 four-bedroomed houses, 60 three-bedroomed houses and 11 two-bedroomed houses and 2 two-bedroomed 'coach houses'. Vehicular access would be from Gatis St.

3. Planning History

- 3.1 11/00401/DEM - Former Skills Centre Craddock Street Wolverhampton Demolition of office block and outbuildings. Granted 5th of May 2011.

- 3.2 09/01191/FUL - Land At Corner Of Craddock Street and Gatis Street .
Demolition of existing industrial estate and Victoria public house and erection of 101 dwellings. Withdrawn.
- 3.3 05/0259/OP/M - Land at Craddock Street and Gatis Street.
Residential development comprising 145 residential units and associated works. Withdrawn.

4. **Constraints**

- 4.1 Tree Preservation Order

5. **Relevant policies**

5.1 National Planning Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG13 Transport
- PPS24 Planning and Noise
- PPS25 Development and Flood Risk

5.2 Black Country Core Strategy

- CSP4 Place-Making
- EMP5 Improving Access to the Labour Market
- TRAN2 Managing Transport Impacts of New Development
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7 Renewable Energy
- ENV8 Air Quality
- WM1 Sustainable Waste and Resource Management
- WM5 Resource Management and New Development

5.3 Unitary Development Plan

- D3 Urban Structure
- D4 Urban Grain
- D5 Public Realm Public Open Private Space
- D6 Townscape and Landscape
- D7 Scale - Height
- D8 Scale - Massing
- D9 Appearance
- D10 Community Safety
- D11 Access for People with Disabilities part
- D13 Sustainable Development Natural Energy
- D14 The Provision of Public Art
- EP1 Pollution Control
- EP4 Light Pollution
- EP5 Noise Pollution
- EP9 Sustainable Drainage Arrangements for Development
- EP11 Development on Contaminated or Unstable Land
- EP12 Reclamation of Derelict Land
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

5.4 Wolverhampton's Supplementary Documents

SPG3 Residential Development
SPD Affordable Housing
SPG Public Art

6. **Environmental Impact Assessment Regulations**

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

6.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

7. **Publicity**

7.1 A petition has been received by 21 residents of Craddock St who object to the proposals as they consider that the proposal will increase traffic problems in the area. They also suggest a rear access point for residents on Craddock St from the proposed development.

7.2 The proposal will not have an unacceptable impact on traffic problems in the area and it is not considered necessary or reasonable to request the provision of a rear access point for residents on Craddock St as part of the proposed development.

8. **Internal consultees**

8.1 **Landscaping** – Have made some detailed comments on the landscaping proposals. These have been forwarded to the applicant.

8.2 **Transportation** – There are some detailed design issues regarding access and visibility. On the whole, the parking provision is acceptable but there are some issues regarding a small number of plots. This information has been forwarded to the applicant and is being addressed. Similarly the sizes of the proposed garages need to be slightly increased.

8.3 Travel packs for all initial new residents should be provided by the developer. This can be required by condition.

8.4 Regarding highway adoption there are again some detailed design comments which have been forwarded to the developer. Amended plans are awaited.

8.5 **Environmental Services** - A site investigation report was submitted with the application and is acceptable in principle. In addition, given the location within the former Courtaulds works, further testing for asbestos has been undertaken and the results are satisfactory. There are no objections to the proposals provided that the site is sufficiently remediated.

8.6 A noise report was submitted with the application and acceptable in principle. Subject to the installation of mitigation measures to those houses facing, or at 90 degrees to

the factory to the south of the site and the installation of an acoustic fence along the boundary of the factory. There are no objections to the proposal.

9. External consultees

- 9.1 **Severn Trent** – There is an issue regarding a proposed sewer which crosses the site. At the moment is unclear is the sewer will be diverted or not. The applicants have been asked to clarify the situation.
- 9.2 **Environment Agency** – Currently object to the proposals as they do not consider the submission Flood Risk Assessment to be satisfactory. The applicants have been made aware of this objection and are seeking to resolve the concern of the Environment Agency.
- 9.3 **Centro** – No objections in principle but, because of the scale and nature of the proposal, the developer should provide Travel Plan to promote public transport.
- 9.4 **Police** – No objections in principle. They have made some detailed design comments about the scheme. These have been forwarded to the applicant and amended plans are awaited.
- 9.5 **Fire Department** – As there is only one point of access into the new estate there is some concern that if this became blocked by parked cars or road works it would have hindered access in an emergency. To overcome this, a second access, for emergency vehicles only, has been proposed from Gatis Street. An amended plan to demonstrate this proposal is acceptable is awaited.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 Where circumstances justify a flexible approach to planning obligations in the economic downturn, Cabinet is aware that in coming to any individual decision, Planning Committee will have due regard to the Planning and Compulsory Purchase Act 2004, The Town and Country Planning Act 1990, the existing Development Plan Policies, all relevant Planning Policy Statements and Guidance together with having particular regard to the circular advice (Circular 05/2005 - Planning Obligations) and all relevant material considerations.
- 10.3 Where planning permission has already been granted, any change to the Section 106 agreement will have to be justified and approved by Planning Committee as applications to discharge planning obligations can be made by the landowner 5 years after the grant of permission. Any variations prior to this date have to be with the express agreement of the Planning Committee and achieved by way of a Deed of Variation of the existing S106 Agreement in accordance with S106A of the Town and Country Planning Act 1990. Legal implications reference LM/26102011/U

11. Appraisal

- 11.1 The key issues are:
- Economic Prosperity
 - Principle of residential development
 - Design quality

- Residential amenity
- Car parking & access
- S106 obligations
- Other matters

Economic Prosperity

- 11.2 The Black Country Core Strategy (BCCS) envisages and supports the creation of an economically prosperous Black Country.
- 11.3 The applicants estimate that the proposal would create 60 full-time jobs during construction and represent an investment of approximately £15 million. The applicants have also said that they wish to commence on-site within weeks of permission being granted.
- 11.4 For these reasons the proposal would accord with the aims of the BCCS.

Principle of residential development

- 11.5 The site is allocated for housing on the Local Development Framework Proposals Map (it was previously allocated in the UDP). As such, it is treated as a housing commitment in the adopted BCCS. The principle of developing the site for housing is accepted.

Design

- 11.6 This is an important development for the City, one which will provide a significant number of new houses and create an attractive, sustainable community. In order to achieve this, a significant amount of time has been spent working with the applicant to ensure that the quality of the proposal is of a high level.
- 11.7 The design of the street network and hierarchy is acceptable as are the positions of the proposed houses which form a series of perimeter blocks. This arrangement provides an efficient use of space and also a clear definition of public and private realms, ensuring that active frontages are provided to the street and also adjacent to the open space, with private gardens being secured by other private gardens.
- 11.8 An area of open space is illustrated along the southern boundary of the site, adjacent to the existing factory. The purpose of this space is primarily to act as a buffer from the factory and would be privately managed. The open space would provide some visual and recreational amenity for residents and the applicants have submitted an illustrative plan which demonstrates that the open space could form part of a larger, more usable, open space should the southern half of the site come forward for development.
- 11.9 The surrounding area is predominantly characterised by two storey buildings and this is reflected in the proposed development.
- 11.10 With regard to the architecture appearance, the elevations suggest a broadly contemporary appearance, which echoes traditional form through the use of proportion and composition of architectural elements. The applicants have proposed the use of red brick as the primary building material which is appropriate.
- 11.11 The proposed layout, scale and appearance of the proposal is acceptable. The proposal is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Residential Amenity

- 11.12 The proposed redevelopment would improve the general environment for surrounding properties in that the site, which is currently vacant and visually unattractive, would be replaced by buildings in a landscaping setting which would be attractive and in keeping with the surroundings.

- 11.13 The positioning of the proposed houses respects the privacy, daylight and outlook from adjacent dwellings as well as preserving the amenities of potential occupiers.
- 11.14 The private amenity areas are of a sufficient size to support the proposed dwellings.
- 11.15 The proposal is in accordance with UDP policies H6 and SPG3.

Car Parking & Access

- 11.16 Whilst the proposals are generally acceptable, there are some relatively minor issues, as highlighted in paragraphs 8.2-8.4, which need to be resolved.
- 11.17 Amended plans are awaited to address the outstanding issues, but there is no in principle objection to the general highways arrangements indicated as part of the application.

S106 Obligations

- 11.18 In accordance with UDP Policy and Black Country Core Strategy this development should require the provision of:
- 25% of housing to be affordable, in accordance with the Affordable Housing SPD,
 - a financial contribution towards the off-site provision or enhancement of recreational open space and play facilities
 - submission of details of a piece of work, or works of public art or craft equivalent to 1% of construction costs, in accordance with the SPG on public art,
 - targeted recruitment and training,
 - establishment of a management company for maintenance of the proposed area of public open space,
 - any necessary highway works,
- 11.19 The current financial crisis and challenging market conditions have led to a need to review developments and seek cost reductions. On the 11th of November 2009, Cabinet endorsed a recommendation that a flexible and pro-active approach to planning obligations is taken, in response to the economic downturn.
- 11.20 The Affordable Housing SPD states that the Council will consider relaxing normal S106 requirements if an applicant puts a compelling case on financial viability grounds.
- 11.21 In order to justify the reduction or waiving of the normal S106 requirements the applicants submitted a financial viability appraisal (FVA) which was considered by the District Valuer (DV).
- 11.22 The advice of the DV was that if all of the planning obligations were required, the proposed scheme would be unviable. In accordance with a previous cabinet resolution in January 2008, affordable housing was prioritised above other obligations. The assessment concluded that if all other financial obligations were waived, 11 affordable homes (comprising 7 social rent and 4 shared ownership) could be provided.
- 11.23 This arrangement is acceptable provided that the proposed development is completed within a reasonable timeframe. In this instance, it is considered that the proposed houses should be complete, or substantially so, within three years of this Committee meeting.
- 11.24 Should the scheme not be provided in accordance with timeframe, then the landowner would be liable to provide the full 25% affordable housing requirement, off-site open

space and play contribution and provide public art equivalent to 1% of construction costs unless a revised and updated FVA justified a reduction.

11.25 In order to ensure that the scheme remains acceptable in planning terms, the necessary highway works should still be undertaken and management arrangements for the proposed open space need to be agreed.

11.26 The establishment of a targeted recruitment and training scheme would not impose any financial implications for the developer. They are agreeable to providing this program.

Other matters

11.27 BCCS policy ENV7 'Renewable Energy' includes the requirement for developments, like that proposed as part of this application, to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This requirement can be conditioned.

11.28 BCCS policies WM1 'Sustainable Waste and Resource Management' and WM5 'Resource Management and New Development' encourages developments, like that proposed as part of this application, to address waste as a resource and to minimise waste as far as possible. It is considered that these requirements can be conditioned through the submission of a Site Waste Management Plan on any approval. This requirement can be conditioned.

11.29 A flood risk assessment is necessary for this application as the site is over one hectare however, the site is situated in flood risk zone 1, the zone of lowest risk and there is no evidence of a critical drainage problem in the area. The proposal would not provide run-off equivalent to Greenfield rates in line with BCCS policy ENV5 as it is not financially viable to do so in this instance. However, the proposed drainage strategy is proportionate to the risk, appropriate to the scale, nature and location of the proposed development and would improve the drainage situation in comparison to that which currently exists. Run-off rates would be reduced by 20% compared to that which exists. For these reasons the proposed drainage arrangements are acceptable in principle.

12. Conclusion

12.1 The proposal would represent a significant investment in the city and create a considerable number of jobs during construction and good quality homes upon completion.

12.2 The general principles and layout of the proposal are considered appropriate. The proposal would help provide enclosure, defensible space, definition of public and private realms and a layout with secure private amenity space although some further detailed design work is required. The residential amenities of existing residents, in terms of outlook, privacy and daylight, are preserved. It is considered that the amenity of the future occupiers of the scheme will be good.

12.3 Having taken into account all the planning issues, including those raised by the objectors and the external consultees, it is considered that the positive planning benefits of the development outweigh any negative planning impacts and on balance the proposal is acceptable, subject to no overriding objections from outstanding consultees and the resolution of outstanding matters.

12.4 The proposed scheme is in accordance with the development plan.

13. Recommendation

13.1 That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00871/FUL subject to:

1. Negotiation of a S106 to include:

- affordable homes provided that the development is complete or substantially so within five years from the date of this planning committee and a scheme for targeted training and recruitment. If the development is not complete within the timeframe, then the landowner would be liable to provide the full 25% affordable housing, off site open space and play contribution the provision of a work of public art or craft equivalent to 1% of construction costs and a scheme for targeted training and recruitment unless a revised and updated FVA justified a reduction.

2. Resolution of the concern regarding emergency access and outstanding highway issues.

3. Any necessary conditions to include:

- Materials
- Landscaping implementation
- Boundary treatment
- Measures to reduce impact of construction on residents
- Drainage
- Site remediation
- 10% renewable energy
- Site waste management plan
- Sustainable Travel Information packs for all new residents

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

Head of Development Control & Building Control – Stephen Alexander



OS data reproduced under Licence Wolverhampton City Council 100019537-2011

DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00871/FUL

| | | | |
|---------------------|--|-------------------------|---------------------|
| Location | Land At Gatis Street, Including The Victoria, Former Skills Centre And Council Depot, Wolverhampton, WV6 0QJ | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 390486 300018 |
| Plan Printed | 24.10.2011 | Application Site Area | 27298m ² |

lorry parking spaces. The car parking is shown in front of the building, adjacent to Wednesfield Way, with lorry parking and loading bays at the south rear.

3. Planning History

- 3.1 09/00429/OUT Outline Application with all matters reserved. Demolition of existing industrial buildings; construction of new industrial and warehouse buildings (Classes B1, B2, B8) with associated car parking, yard space circulation and landscaping; and use of the existing access to Wednesfield Way. Granted 05.11.2010.

4. Constraints

- 4.1 Authorised Processes
Mineral Safeguarding Area
Retained for Employment
Landfill Gas Zones
Mining Areas

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan
- D3 Urban Structure
 - D4 Urban Grain
 - D5 Public Realm (Public Space / Private Space)
 - D6 Townscape and Landscape
 - D7 Scale-Height
 - D8 Scale-Massing
 - D9 Appearance
 - D10 Community Safety (Part I)
 - D11 Access for People with Disabilities (Part I)
 - D12 Nature Conservation and Natural Features
 - D13 Sustainable Development (Natural Resources and Energy Use)
 - D14 The Provision of Public Art
 - EP1 Pollution Control
 - EP4 Light Pollution
 - EP5 Noise Pollution
 - EP9 Sustainable Drainage Arrangements for Development
 - HE1 Preservation of Local Character and Distinctiveness
 - N1 Promotion of Nature Conservation
 - B5 Design Standards for Employment Standards
 - B11 Ancillary Uses in Employment Areas and Premises
 - AM8 Public Transport
 - AM9 Provision for Pedestrians
 - AM12 Parking and Servicing Provision
 - AM15 Road Safety and Personal Security

5.2 Black Country Core Strategy (BCCS)

- CSP1 The Growth Network
- CSP3 Environmental Infrastructure
- CSP4 Place Making
- CSP5 Transport Strategy
- EMP1 Providing for Economic Growth
- EMP2 Actual and Potential Strategic High Quality Employment Areas
- EMP4 Maintaining a Supply of Readily Available Land

| | |
|-------|--|
| EMP5 | Improving Access to the Labour Market |
| TRAN1 | Priorities for the Development of the Transport Network |
| TRAN2 | Managing Transport Impacts of New Development |
| TRAN3 | The Efficient Movement of Freight |
| TRAN4 | Creating Coherent Networks for Cycle and for Walking |
| TRAN5 | Influencing the Demand for Travel and Travel Choices |
| ENV1 | Nature Conservation |
| ENV2 | Historic Character and Local Distinctiveness |
| ENV3 | Design Quality |
| ENV5 | Flood Risk, Sustainable Drainage Systems and Urban Heat Island |
| ENV6 | Open Space, Sport and Recreation |
| ENV7 | Renewable Energy |
| ENV8 | Air Quality |
| WM1 | Sustainable Waste and Resource Management |
| WM2 | Protecting and Enhancing Existing Waste Management Capacity |
| WM5 | Resource Management and New Development |
| MIN1 | Managing and Safeguarding Mineral Resources |

Other relevant Policy Documents

- 5.3
- | | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPS4 | Planning for Sustainable Economic Growth |
| PPG13 | Transport |
| PPS23 | Planning and Pollution Control |
| PPG24 | Planning and Noise |
| PPS25 | Development and Flood Risk |

5.4 Wolverhampton's Supplementary Documents

- | | |
|-------|--|
| SPG1 | Business, Industrial and Warehouse Development |
| SPG2 | Access and Facilities for Disabled People |
| SPG16 | Public Art |

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

7. Publicity

- 7.1 No representations received.

8. Internal Consultees

- 8.1 **Transportation Development** – No objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal Implications reference is LM/24102011/U.

10. Appraisal

- 10.1 The principle of development has been established by the outline planning permission. The key issue in the determination of this reserved matters application is the acceptability of the details of the reserved matters:

Scale and Appearance

- 10.2 A large industrial/warehouse building with a modern appearance is proposed. The office element would provide windows on the front of the building, facing onto Wednesfield Way. The proposed scale of the building is appropriate to its context and the visual appearance and architectural design of the building is appropriate. The proposal is in accordance with UDP policy D9 'Appearance', D7 'Scale-Height', D8 'Scale-Massing' and BCCS policies ENV3 'Design Quality' and CSP4 'Place-Making'.

Layout

- 10.3 The proposed layout is acceptable and in accordance with UDP policies D4 Urban 'Grain', D6 'Townscape and Landscape', D10 'Community Safety' and BCCS policies ENV3 'Design Quality' and CSP4 'Place-Making'.

Landscaping

- 10.4 The landscaping proposals are acceptable and in accordance with UDP policy D6 Townscape and Landscape..

Access

- 10.5 The proposed access and parking arrangements are acceptable and in accordance with UDP policies AM12 'Parking and Servicing Provision', AM15 'Road Safety and Personal Security' and BCCS policy TRAN2 'Managing Transport Impacts of New Development'.

11. Conclusion

- 11.1 The detail of the reserved matters is acceptable and in accordance with the Development Plan.

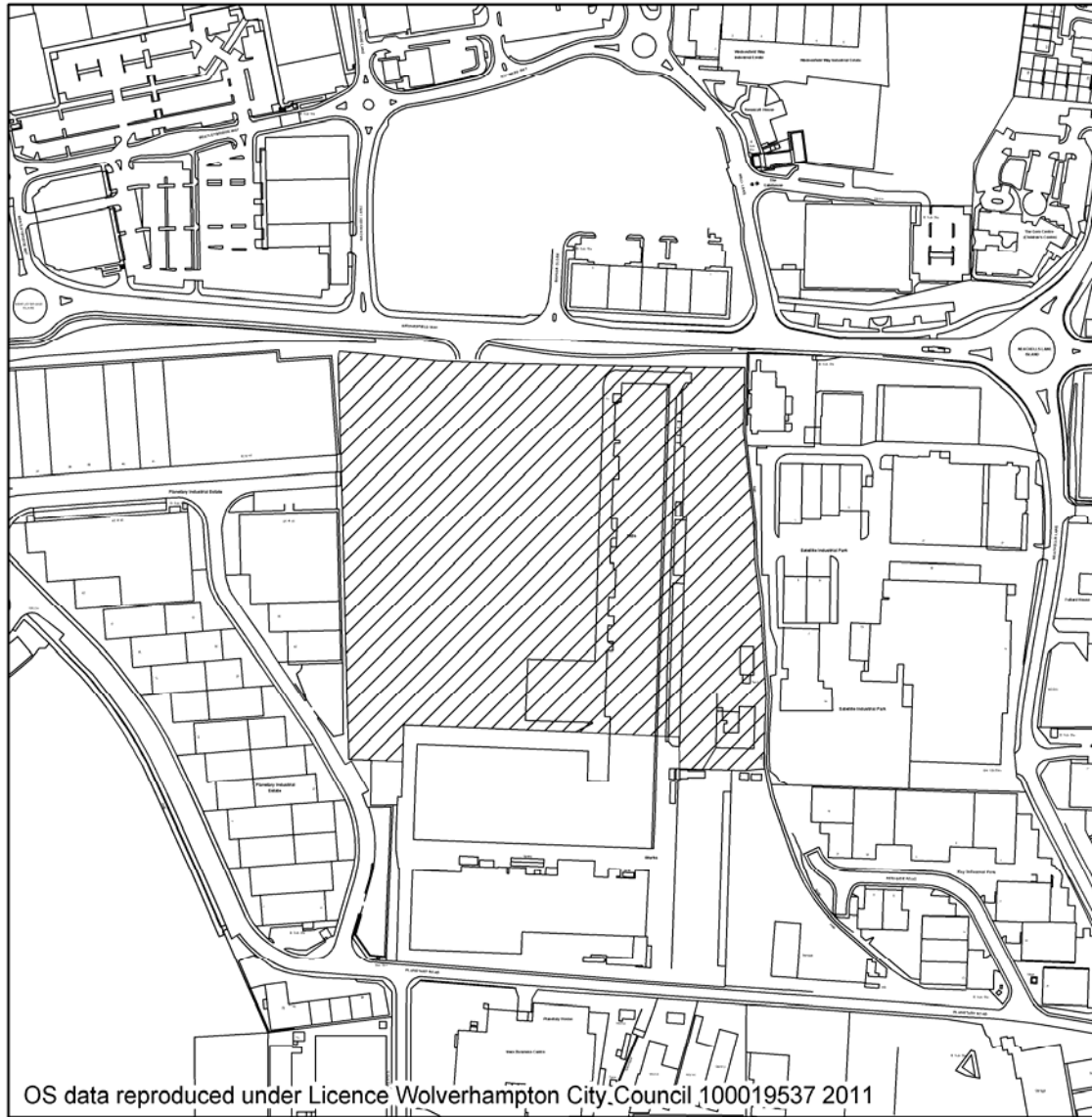
12. Recommendation

- 12.1 That planning application 11/00904/REM be granted.

Case Officer : Mr Phillip Walker

Telephone No : 01902 555632

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00904/REM

| | | | |
|---------------------|---|-------------------------|---------------------|
| Location | Land Between Planetary Road And, Wednesfield Way, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 394295 299592 |
| Plan Printed | 24.10.2011 | Application Site Area | 71403m ² |

be vacant once the existing building is demolished. The applicants expect to bring forward proposals for the redevelopment of that site in the coming months.

2. Application details

- 2.1 The application proposes the construction of a new family restaurant/public house. The operator is Greene King under the Hungry Horse brand. The building is proposed to be located to the west of the site, fronting Stafford Road. Car parking will be provided to the south and east of the building.
- 2.2 The ground floor of the building will comprise the restaurant, bar area, kitchen and storage facilities. The first floor would provide accommodation for the manager and assistant manager.
- 2.3 The building would be part two storey and part one storey. The two storey element will have a ridge height of 9.0 metres and eaves height of 5.3 metres. The single storey element will have a maximum height of 6.4m to the ridge and 2.6m to the eaves. To entrances are provided to the building; one from the car park (south) and one from the front (west).
- 2.4 The proposed building would be predominantly constructed of brick with elements of render with a tiled roof.
- 2.5 Vehicular access to the site would be provided from an amended spine road to the east, off Mercury Drive. Seventy-seven car parking spaces are proposed to serve the development, including 3 disabled spaces. Parking for 8 bicycles is proposed. Pedestrian access would be provided from Stafford Road, Mercury Drive and the new site spine road.
- 2.6 Much of the existing landscaping is retained, although the loss of some of the protected trees is proposed.
- 2.7 The proposed opening hours are as follows:
 - Monday – Thursday 11:00am – 11:00pm
 - Friday 11:00am - Midnight
 - Saturday 11:00am - Midnight
 - Sunday 11:00am – 11:00pm

3. Planning History

- 3.1 11/00681/DEM Demolition of former office building Promise House demolition. Granted, 10th of August 2011.

4. Constraints

- 4.1 Authorised Processes
Tree Preservation Order

5. Relevant policies

- 5.1 National Planning Guidance
PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

PPG13 Transport
PPS24 Planning and Noise

5.2 Black Country Core Strategy

CSP4 Place-Making
DEL2 Managing the Balance Between Employment Land and Housing
EMP2 Actual and Potential Strategic High Quality Employment Areas
EMP5 Improving Access to the Labour Market
TRAN2 Managing Transport Impacts of New Development
ENV2 Historic Character and Local Distinctiveness
ENV3 Design Quality
ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV7 Renewable Energy
ENV8 Air Quality
WM1 Sustainable Waste and Resource Management
WM5 Resource Management and New Development

5.3 Unitary Development Plan

D3 Urban Structure
D4 Urban Grain
D5 Public Realm Public Open Private Space
D6 Townscape and Landscape
D7 Scale - Height
D8 Scale - Massing
D9 Appearance
D10 Community Safety
D11 Access for People with Disabilities
D13 Sustainable Development Natural Energy
D14 The Provision of Public Art
EP1 Pollution Control
EP4 Light Pollution
EP5 Noise Pollution
EP9 Sustainable Drainage Arrangements for Development
EP11 Development on Contaminated or Unstable Land
EP12 Reclamation of Derelict Land
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security

6. Environmental Impact Assessment Regulations

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

6.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

7. Publicity

7.1 One email has been received from a local resident. They support the application as it will create employment and be a boost to the economy.

8. Internal consultees

- 8.1 **Transportation** – The scheme is acceptable in principle subject to a slight increase in the number of disabled bays and the provision of cycle stores for staff and motorcycle spaces for the public. It is also necessary that the access road is built to an adoptable standard.
- 8.2 **Environmental Health** – No objections in principle to the proposal however further information regarding the proposed plant and ventilation schemes are required. This can be required by condition.
- 8.3 The habitable rooms of the ancillary residential accommodation should be fitted with noise reduction measures. This can be required by condition.
- 8.4 A ground contamination survey was submitted with the application and is acceptable.
- 8.5 **Trees** – Six protected semi mature/mature lime trees from the Stafford Road frontage are proposed to be removed. Three of the trees are of high amenity value and should be retained (950, 954 and 955). Three are of lower quality and the removal of these trees is acceptable.
- 8.6 A further eight protected trees to the rear of the proposed building are proposed to be removed in order to facilitate the development. The proposed new planting of 11 trees will compensate for the loss of these trees.
- 8.7 **Ecology** – An adequate bat assessment has been submitted. It is suggested that two bat boxes are incorporated into the proposed development.

9. External consultees

- 9.1 **Severn Trent** – No objection to the proposal. The submitted drainage plan is acceptable.
- 9.2 **Police** – Have no objections to the proposed development.
- 9.3 **Centro** – Comments awaited.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 In addition the Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 (“the Habitat Regulations”) and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981

- 10.3 Further paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision . The need to carry out ecological surveys are carried out should only be left to planning conditions in exceptional circumstances.
- 10.4 It is noted that for this application it is considered that an adequate bat assessment has been submitted and it has been suggested that two bat boxes are incorporated into the development. The applicants have confirmed that they are acceptable to this and the bat boxes can be required by way of condition.
(KR/24102011/L)

11. **Appraisal**

11.1 The key issues are:

- Economic Prosperity
- Acceptability of the proposed use
- Design
- Residential amenity
- Car parking & access
- Trees
- Other matters

Economic Prosperity

- 11.2 Paragraph EC10.1 of PPS4 states that, "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably
- 11.3 The Black Country Core Strategy (BCCS) envisages and supports the creation of an economically prosperous Black Country.
- 11.4 The applicants state that the development would create between 40-50 jobs and represent a significant investment, of approximately £2.5 million, into the City. For these reasons, the proposal would accord with the aims of the BCCS.

Acceptability of the proposed use

- 11.5 The site is designated as an area of high quality employment land. Within such areas BCCS policy EMP2 encourages uses within Use Classes B1 (b) (c), B2 and B8. However, some employment generating non-Class B uses will also be acceptable where they support, maintain or enhance the business and employment function of the area. The proposal complies with this policy.
- 11.6 Normally, pub and restaurant uses are encouraged to locate within designated centres however, in this instance; there are site specific considerations which mean that the proposed use is acceptable in the proposed location.
- 11.7 The site is part of the former Goodyear factory, a key regeneration area and one where development has commenced. An Aldi supermarket is open and forms the first phase of a planned 'neighbourhood centre'. The first houses are under construction, with the first completions expected before the end of the year.

- 11.8 The location of the proposed pub/restaurant, at the entrance to the site, is important as it would create a vibrant, welcoming and attractive use at the gateway to this important regeneration site.
- 11.9 The location of the proposed pub/restaurant, adjacent to both the existing and proposed communities, also means that this socially interactive use has the potential to help integrate the proposed new neighbourhood into the wider area.
- 11.10 Over recent years, a number of public houses have closed along the Stafford Road corridor. This has included, the Island House, The Homestead, The Three Tuns and The Vine. The proposal would therefore also provide a facility, not only for the immediate neighbourhood, but also for the wider area, as there is limited choice of similar facilities within easy walking distance of the site.
- 11.11 The proposal will not have a significantly detrimental impact on any existing designated centres or other facilities in this area.
- 11.12 The proposal would continue the momentum of development which is taking place at the former Goodyear site and compliment the existing and proposed uses of the surrounding area. For these reasons, as well as those explained above, the proposed use is acceptable and compliant with the development plan.

Design

- 11.13 The proposal responds positively to the established pattern of streets. The building would be located in a very prominent location at the entrance to the key regeneration site.
- 11.14 The location of the building, close to the junction of the Stafford Road and the new access road into the Goodyear site, means that it would help reinforce the definition of street, emphasise the prominence and importance of the position and act as a focal point at the gateway to the site.
- 11.15 The proposed layout means that the visual impact of the car parking is minimal as it is largely hidden behind the proposed building. The proposed areas of landscaping along the northern and eastern boundaries of the application site will also help create a visually attractive setting for the development.
- 11.16 The scale of the new building would be compatible with its surroundings and would not detract from important views or landmarks.
- 11.17 With regard to the architecture appearance, the elevations suggest a broadly contemporary appearance. The applicants have proposed the use of red brick as the primary building material with elements of render. This is appropriate.
- 11.18 A significant proportion of the ground floor of the building would be glazed, ensuring that the proposed scheme assists in creating a sense of activity and vitality.
- 11.19 The design would assist in reinforcing local distinctiveness; take many of the opportunities available for improving the quality of the area and would positively contribute to improving the character of the area. For these reasons and for those explained above, the layout, scale and appearance of the proposal are acceptable and in accordance with UDP policies D3, D4, D5, D6, D7 D8, D9 and BCCS policies ENV3, CSP4 and WM5.

Residential Amenity

- 11.20 The positioning of the proposed building would respect the privacy, daylight and outlook from adjacent dwellings.

- 11.21 The proposal would have an increased impact on the amenity of some local residents, particularly with regard to noise, however this would not be unacceptable. The proposed hours of operation are acceptable and can be controlled by condition.

Car Parking & Access

- 11.22 In principle there are no highway objections to the proposed development. However the number of disabled bays should be slightly increased. Cycle storage should be provided for staff and motorcycle spaces for the public. The applicants have been made aware of these requirements and amended plans are awaited. If these are not received by the time of Planning Committee, this information can be conditioned.
- 11.23 It is necessary that the access road should be built to an adoptable standard, as it is highly likely to be used to also access the future phase of development to the south of the application site. The applicants have been made aware of this and an amended plan is awaited. If a plan is not received by the time of Planning Committee, this information can be conditioned

Trees

- 11.24 Six protected semi mature/mature lime trees from the Stafford Road frontage are proposed to be removed. The applicants have stated that it is necessary to remove all of the trees in order to ensure that the development is highly visible from the Stafford Road, as the prominence of the building is crucial to ensure the commercial success of the development.
- 11.25 Whilst we accept that it is inevitable that a significant number of trees will be lost in order to enable the site to be development. Those trees along the Stafford Road frontage are of high amenity value and are situated along the most prominent part of the site, where they provide the greatest visual impact to the most number of people. The loss of any trees in this location is regrettable.
- 11.26 However, in order to assist with the promotion the proposed development and helping to ensure its commercial success, we are agreeable to the loss of some of the trees along the Stafford Road frontage, but the three of greatest amenity value should be retained.
- 11.27 The retention of these three trees would not significantly reduce the visibility of the proposed building, but would retain some of visual amenity. The retained trees could also be crown lifted in order to further improve visibility.
- 11.28 A further eight trees will be removed to the rear of the building, but the planting of 11 new trees in this location is acceptable compensation.

Other matters

- 11.29 BCCS policy ENV7 'Renewable Energy' includes the requirement for developments, like that proposed as part of this application, to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This requirement can be conditioned on any approval.
- 11.30 BCCS policies WM1 'Sustainable Waste and Resource Management' and WM5 'Resource Management and New Development' encourages developments, like that proposed as part of this application, to address waste as a resource and to minimise waste as far as possible. It is considered that these requirements can be conditioned through the submission of a Site Waste Management Plan on any approval.
- 11.31 A bat assessment has been submitted with the application. It suggests that two bat boxes are incorporated into the proposed development. The applicants have confirmed that are acceptable this. The bat boxes can be required by condition.

12. Conclusion

- 12.1 The proposal would represent a significant investment in the city and create a number of jobs both during and after construction. It is envisaged that this proposal will introduce vitality and viability to the area and also continue the development of this key regeneration site.
- 12.2 The proposed use of the site is acceptable in principle. The general principles and layout and design of the proposal are acceptable. The scheme is broadly acceptable in highway terms. The residential amenities of existing residents, in terms of outlook, privacy and daylight, are preserved.
- 12.3 The proposed scheme is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, EP1, EP4, EP5, AM12 and AM15 and BCCS policies DEL2, EMP2, ENV3, CSP4, PPS4.

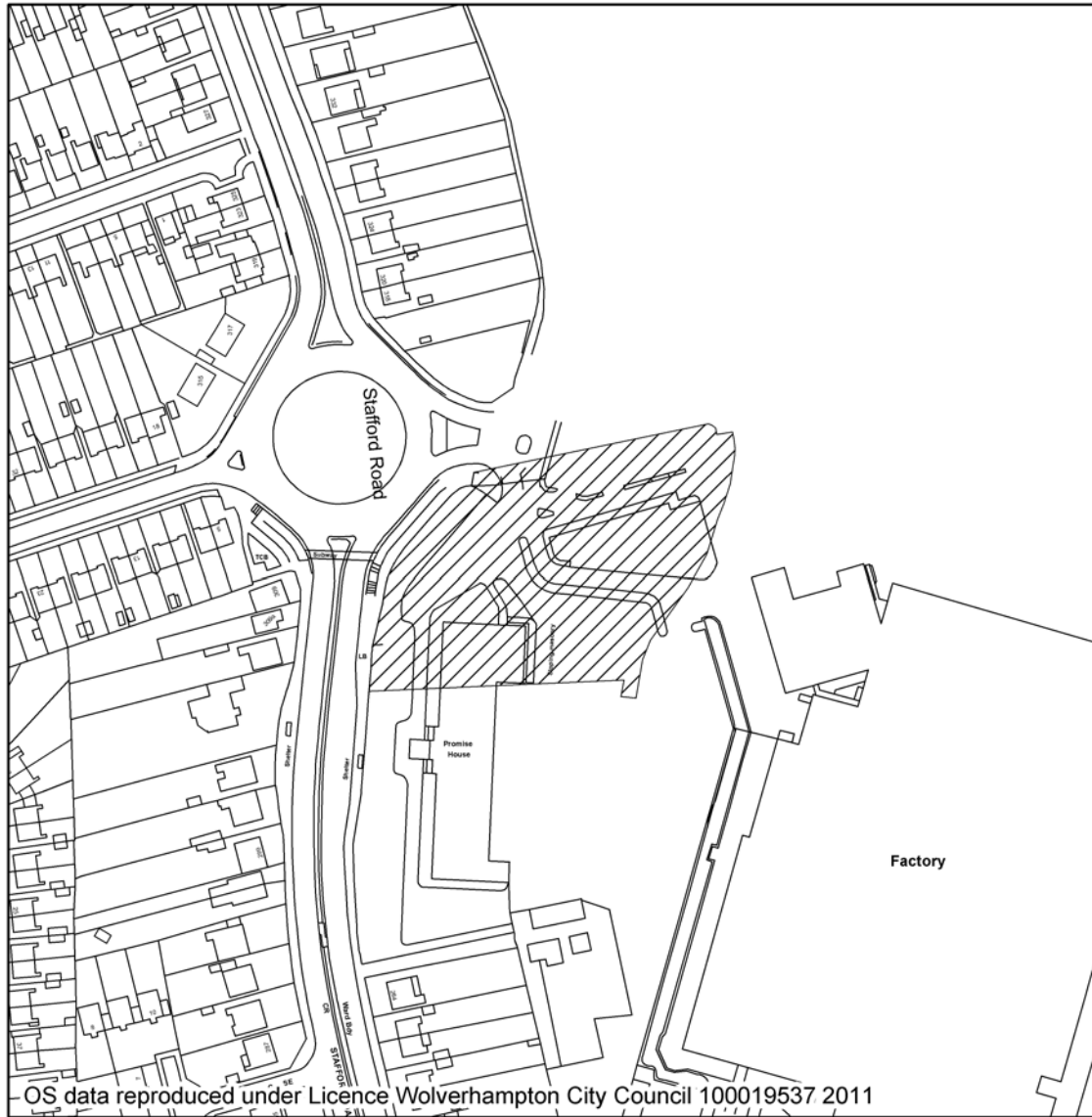
13. Recommendation

- 13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 11/00891/FUL subject to:
1. Submission of a plan to show the proposed access road is built to an adoptable standard.
 2. Any relevant conditions including:
 - Materials
 - Architectural details
 - Landscaping
 - Boundary Treatment
 - Cycle/motorcycle storage and provision of disabled parking
 - Travel Plan
 - Servicing details
 - Bin stores
 - Details of vents/flues
 - Noise mitigation measures to residential accommodation
 - Site Investigation
 - Public Art
 - Hours of operation
 - Ground contamination
 - Measures to reduce impact of construction on residents
 - Details to demonstrate access road is built to an adoptable standard
 - Bat boxes
 - 10% renewable energy
 - Site waste management plan
 - Retention of protected trees 950, 954 and 955.

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00891/FUL

| | | | |
|---------------------|---|-------------------------|--------------------|
| Location | Promise House, Stafford Road, Wolverhampton, WV10 6DQ | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 391257 301330 |
| Plan Printed | 24.10.2011 | Application Site Area | 7731m ² |

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan

D6 - Townscape and Landscape

D7 – Scale - Height

D9 - Appearance

EP20 - Telecommunications

AM15 – Road Safety and Personal Security

Wolverhampton's Interim Telecommunications Policy 2002

Black Country Core Strategy

ENV3 – Design Quality

CSP4 – Place Making

Other relevant policies

5.2 PPS1 – Delivering Sustainable Development

PPG8 - Telecommunications

6. Environmental Impact Assessment Regulations

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

7.1 No representations received.

8. Internal Consultees

8.1 **Environmental Services** – No objections

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications.

(LD/17102011/L)

10. Appraisal

10.1 The key issues are: -

- Siting, appearance and neighbour amenities
- Perceived health issues

Siting, appearance and neighbour amenities

- 10.2 Steel Drive is relatively quiet, used solely for the access to the Gala Bingo Club and industrial units located off Steel Drive. When viewed from Fordhouse Road, the proposed monopole would be set behind industrial and factory buildings. The closest residential properties are approximately 130m away. In respect of the residential development proposed at the Goodyear site, the monopole will be sited to the east side of the railway line, separated from the railway line by Steel Drive, partially obscured by the railway line infrastructure and set against an industrial backdrop.
- 10.3 Taking all matters into consideration, including the fact that the operators Vodafone and O2 are site sharing in accordance with government advice, the proposal being set within a predominantly commercial/industrial backdrop, the proposal is not considered to have an adverse impact on the skyline or the locality to an extent to warrant a refusal and is considered to be in accordance with the requirements of UDP Policy D7, D9, EP20, the Interim Telecommunications Policy and BCCS policies CSP4 and ENV3.

Perceived Health Issues

- 10.4 UDP policy EP20 states that 'it is the view of Central Government that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile phone base station meets the ICNIRP (International Commission for Non-Ionizing Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning or prior approval, to consider further the health aspects and concerns about them'. The application is supported by a certificate which shows compliance with ICNIRP. The proposal is therefore in accordance with UDP policy EP20 and it is therefore considered that any perception of adverse effect on health which may be felt by local residents and other users could not form sound grounds for refusal.

11. Conclusion

- 11.1 The proposed is sited in a predominantly commercial/industrial area in character although there are residential properties approximately 130m away on Fordhouse Road. The site is considered to be 'less sensitive' in respect of the Councils Interim Telecommunications Policy, by reason of its location and considerable distance from residential properties. Taking all matters into consideration including the fact that the operators are site sharing, the equipment being sited adjacent to the backdrop of industrial/commercial buildings, the proposal is considered to be acceptable and in accordance with the Development Plan and Black Country Core Strategy.

12. Recommendation

- 12.1 That planning application 11/00912/TEL is granted in accordance with the details submitted.

Case Officer : Mr Mark Elliot

Telephone No : 01902 555648

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00912/TEL

| | | | |
|---------------------|--|-------------------------|------------------|
| Location | Land To The Rear Of Fordhouse Road Industrial Estate, Steel Drive, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 391745 301852 |
| Plan Printed | 24.10.2011 | Application Site Area | 62m ² |

PLANNING COMMITTEE - 08-Nov-11

APP NO: 11/00914/FUL

WARD: Bushbury South And
Low Hill

DATE: 21-Sep-11

TARGET DATE: 15-Nov-11

RECEIVED: 21.09.2011

APP TYPE: Full Application

SITE: Land At Junction With Bone Mill Lane And Crown Street, Wolverhampton

PROPOSAL: Telecommunications - Vodafone/O2 - installation of 19.8m monopole, painted grey with two associated cabinets

APPLICANT:
Vodafone (UK) Ltd And O2 (UK) Ltd
C/O Agent

AGENT:
Mr D Hosker
WHP
Ponderosa
Scotland Lane
Horsforth
Leeds
West Yorkshire
LS18 5SF

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is located on the footpath on the north side of Bone Mill Lane at the junction with Crown Street and Cross Street North. It is to the east side of a railway bridge.
- 1.2 The surrounding area is predominantly industrial and commercial in character. The closest residential dwellings are in excess of 150m away.

2. Application details

- 2.1 The proposal is a full planning application for a telecommunication development to install a 19.8m high monopole with associated equipment housing. The monopole would be finished in grey and shared between O2 and Vodafone.

3. Planning History

- 3.1 05/1439/GM/C – A telecommunication development comprising of a 14.7m high monopole with associated equipment was granted permission on 5th October 2005 on land opposite the application site.

4. Constraints

- 4.1 Authorised Processes

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan

D6 - Townscape and Landscape

D7 – Scale - Height

D9 - Appearance

EP20 – Telecommunications

AM15 – Road Safety and Personal Security

Wolverhampton's Interim Telecommunications Policy 2002

Black Country Core Strategy

ENV3 – Design Quality

CSP4 – Place Making

Other relevant policies

5.2 PPS1 – Delivering Sustainable Development

PPG8 - Telecommunications

6. Environmental Impact Assessment Regulations

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).

6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

7.1 No representations received.

8. Internal Consultees

8.1 **Environmental Services** – No objections

8.2 **Transportation** – The position of the proposed equipment would further impede the limited visibility for vehicles exiting the site to the north east.

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications.

(LD/17102011/P)

10. Appraisal

10.1 The key issues are: -

- Siting, appearance and neighbour amenities
- Highway safety
- Perceived health issues

Siting, appearance and neighbour amenities

10.2 The proposed equipment would be located on the footpath on Bone Mill Lane adjacent to the railway bridge. Bone Mill Lane provides access to the industrial premises on Crown Street and Cross Street North. The council's Interim Telecommunications Policy advises that less sensitive locations include commercial and industrial sites. The proposed development is set against a backdrop of various industrial units and the adjacent railway bridge. To the west of the site is Stafford Street, a main route into the city centre. Whilst the proposed development would be 19.8m high it is considered that views of the structure from the west would be obscured by the railway bridge and mature trees that it is set against. It is therefore not considered that the proposal would adversely impact on the skyline or immediate locality.

10.3 Taking all matters into consideration, including the fact that the operators Vodafone and O2 are site sharing in accordance with government advice, the proposal being set within an industrial, 'less sensitive', location, the proposal is not considered to have an adverse impact on the skyline or the locality and is considered to be in accordance with the requirements of UDP policy D6, D7, D9, EP20, the Interim Telecommunications Policy and BCCS policies CSP4 and ENV3.

Highway Safety

10.4 There is an existing vehicular access to the north-east of the site. The siting of the proposed equipment would marginally impact on the visibility splay of vehicles exiting the site. Taking into account that the surrounding highway is relatively quiet it is not considered that an objection could be sustained on these grounds. The proposal is therefore satisfactory in respect of UDP policy AM15.

Perceived Health Issues

10.5 UDP policy EP20 states that 'it is the view of Central Government that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile phone base station meets the ICNIRP (International Commission for Non-Ionizing Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning or prior approval, to consider further the health aspects and concerns about them'. The application is supported by a certificate which shows compliance with ICNIRP. The proposal is therefore in accordance with UDP policy EP20 and it is therefore considered that any perception of adverse effect on health which may be felt by local residents and other users could not form sound grounds for refusal.

11. Conclusion

11.1 The proposal is sited in a largely industrial area, and with no residential dwellings within 150m of the site. In respect of the Council's Interim Telecommunications Policy the site is considered to be in a 'less sensitive location'. Taking all matters into consideration including the fact that the operators are site sharing, the equipment being sited in a largely industrial area, the proposal is considered to be acceptable and in accordance with the Development Plan and Black Country Core Strategy.

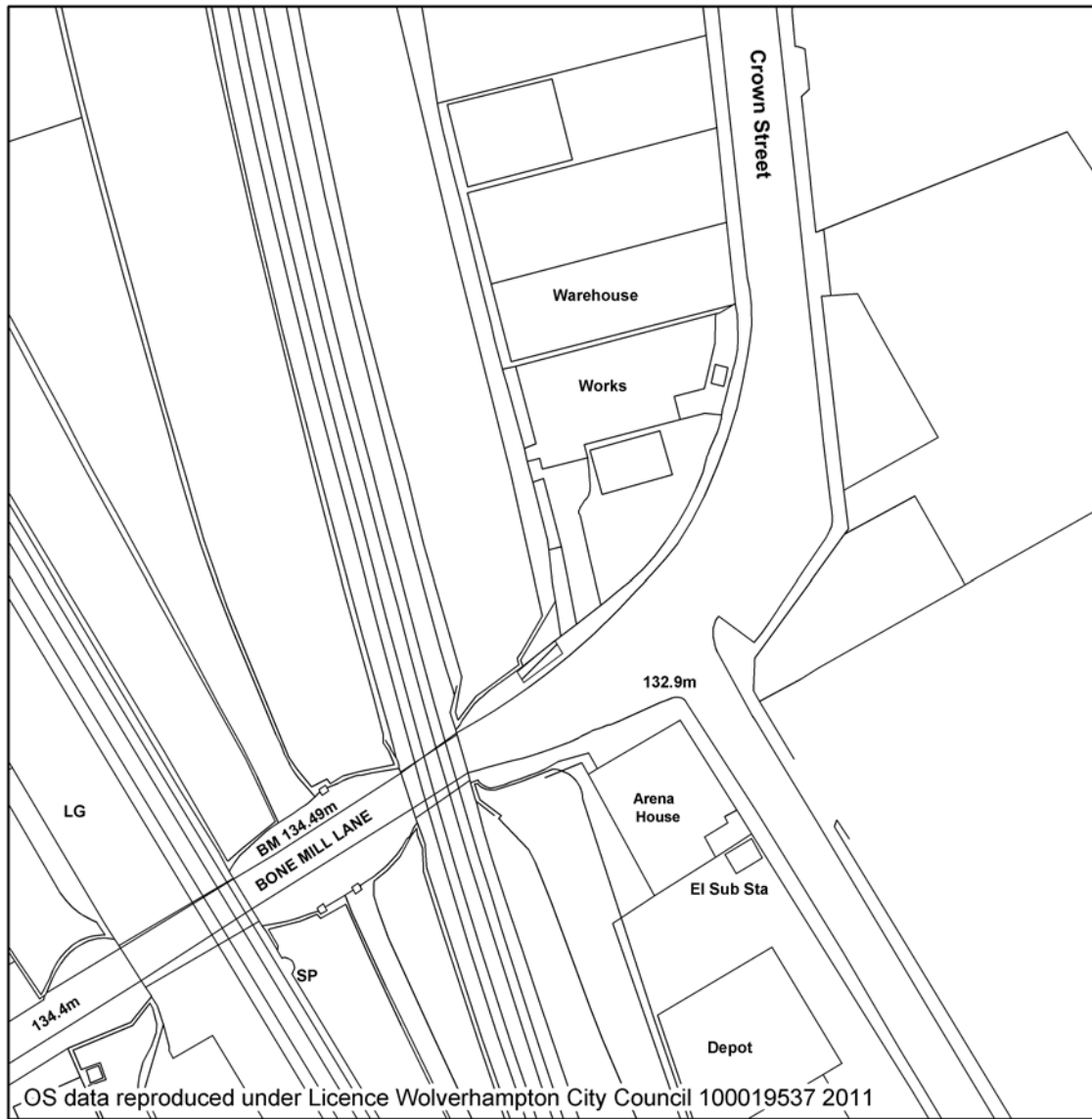
12. Recommendation

12.1 That planning application 11/00914/FUL be granted in accordance with the details submitted.

Case Officer : Mr Mark Elliot

Telephone No : 01902 555648

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00914/FUL

| | | | |
|---------------------|--|-------------------------|------------------|
| Location | Land At Junction With Bone Mill Lane And Crown Street, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 391487 299697 |
| Plan Printed | 24.10.2011 | Application Site Area | 12m ² |

PLANNING COMMITTEE - 08-Nov-11

APP NO: 11/00916/TEL **WARD:** Ettingshall

DATE: 21-Sep-11 **TARGET DATE:** 15-Nov-11

RECEIVED: 21.09.2011

APP TYPE: Telecommunications Notification

SITE: Grassed Land Fronting 39-41, Birmingham New Road, Wolverhampton

PROPOSAL: Telecommunications - Vodafone/O2 - installation of 15m high monopole with associated equipment

APPLICANT:
Vodafone (UK) Ltd And O2 (UK) Ltd
C/O Agent

AGENT:
Mr D Hosker
WHP
Pondersoa
Scotland Lane
Horsforth
Leeds
West Yorkshire
LS18 5SF

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site forms a grassed verge adjacent to the highway to the front of 31-49 Birmingham New Road. The verge contains a line of relatively mature trees which are approximately 14m high.
- 1.2 The site is on a primary route in and out of Wolverhampton City Centre.
- 1.3 The area is mixed use; there is a variety of commercial and residential units in proximity to the site.

2. Application details

- 2.1 The application is for a telecommunications development for the installation of a 15m high monopole with associated equipment housing. The equipment would be colour green and shared between O2 and Vodafone.
- 2.2 The application is not a planning application, but a type of application known as 'Prior Notification'. This means that the Council has 56 days from the receipt of the application to make a decision on it. Failure to do so and deliver formal notice of that decision within 56 days means that the applicant is able to install the proposed telecommunications equipment without any formal approval. The 56 days expire on 16th November 2011.

3. Planning History

- 3.1 None

4. Constraints

- 4.1 Authorised Processes
Landfill Gas Zones
Mining Areas

5. Relevant policies

- The Development Plan
5.1 Wolverhampton's Unitary Development Plan

D6 - Townscape and Landscape
D7 – Scale - Height
D9 - Appearance
EP20 - Telecommunications
AM15 – Road Safety and Personal Security
Wolverhampton Interim Telecommunications Policy 2002

Black Country Core Strategy

ENV3 – Design Quality
CSP4 – Place Making

- Other relevant policies
5.2 PPS1 – Delivering Sustainable Development
PPG8 - Telecommunications

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

- 7.1 Two representations received. These objected to the proposal on the following grounds;
- Health risk
 - Visual amenity
 - Highway safety
 - More appropriate alternative locations

8. Internal consultees

- 8.1 **Transportation** – The proposed equipment should be set back away from the carriageway to avoid impeding vehicular visibility.

9. Legal Implications

- 9.1 In the case of mobile phone masts up to 15 metres there is a modified system of planning control that is governed by permitted development rights under Part 24 – Development by Electronic Communications Code Operators of the Town and Country Planning (General Permitted Development) Order 1995. The permitted development rights are subject to a number of conditions and importantly before development begins an application must be made to the local planning authority to determine whether it will require “prior approval” of the siting and appearance of the development.
- 9.2 The local planning authority is required to give notice to the applicant within 56 days of the receipt of the application if it requires prior approval. If the local planning authority do consider it requires prior approval then it must proceed to approve or refuse the application within 56 days and notify the applicant within that time. There is no ability to extend this time limit by agreement or otherwise and failure to act in the prescribed period will mean that the development will be deemed to have consent.

(LD/18102011/D)

10. Appraisal

- 10.1 The key issues are: -

- Siting, appearance and neighbour amenities
- Highway safety
- Perceived health issues

Siting, appearance and neighbour amenities

- 10.2 The proposed equipment is to be located on a grassed verge on the east side of the Birmingham New Road, adjacent to the parking area for a row of shops.
- 10.3 The interim telecommunication policy advises against this type of equipment being sited fronting main roads and in predominantly residential areas. In this instance the nearest residential properties are the 1st floor units above the commercial premises which are approximately 25m from the proposed development. The residential properties to the west are approximately 44m away. Furthermore the proposed equipment would also be located amongst a line of trees and will be coloured green and would not therefore appear visually prominent. As a result it is considered that when viewed from any significant locations the telecommunications development would be appropriately sited to avoid harming the character and appearance of the area.
- 10.4 It is stated in the submission that the equipment is needed to optimise the coverage in this area in the face of growing usage. The equipment is to be shared between two users therefore negating the possible need for a second pole in the vicinity. Details of eight possible alternative sites investigated are provided, together with the reasons why these were found to be unsuitable.
- 10.5 Taking all matters into consideration, including the fact that the operators Vodafone and O2 are site sharing in accordance with government advice, the proposal is not considered to have an adverse impact on the skyline or the locality and is considered to be in accordance with the requirements of UDP policy D6, D7, D9, EP20, the Interim Telecommunications Policy and BCCS policies CSP4 and ENV3.

Highway Safety

- 10.6 The proposed location and dimensions of the equipment would significantly impede existing visibility splays for vehicles exiting the southern egress of the service road adjacent to the shops. The close proximity of the equipment to the carriageway would also be detrimental to highway safety. The applicants have been requested to amend the siting of the equipment to ensure that the proposal is not detrimental to highway safety. Subject to the receipt of satisfactory amended plans the proposal would be in accordance with UDP policy AM15.

Perceived Health Issues

- 10.7 UDP policy EP20 states that 'it is the view of Central Government that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile phone base station meets the ICNIRP (International Commission for Non-Ionizing Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning or prior approval, to consider further the health aspects and concerns about them'. The application is supported by a certificate which shows compliance with ICNIRP. The proposal is therefore in accordance with UDP policy EP20 and it is therefore considered that any perception of adverse effect on health which may be felt by local residents and other users could not form sound grounds for refusal.

11. Conclusion

- 11.1 The proposed telecommunications equipment is considered to be on a site located within an area identified as a 'more sensitive' site as defined in the Councils Interim Telecommunications Policy. However on balance and taking all matters into consideration including the fact that the operators are site sharing, the equipment is coloured green, being sited amongst a row of trees and the proposal being a good distance from residential properties, the principle of its location is considered to be acceptable.
- 11.2 Subject to the receipt of satisfactory amendment plans to address the highway safety issues the proposal would be in accordance with Development Plan and Black Country Core Strategy.

12. Recommendation

- 12.1 That the Interim Director for Education and Enterprise be given delegated authority to grant telecommunications notification 11/00916/TEL subject to the receipt of satisfactory amended plans addressing highway safety issues.

Case Officer : Mr Mark Elliot

Telephone No : 01902 555648

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00916/TEL

| | | | |
|---------------------|---|-------------------------|------------------|
| Location | Grassed Land Fronting 39-41, Birmingham New Road, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 392301 296303 |
| Plan Printed | 24.10.2011 | Application Site Area | 5m ² |

3. Planning History

3.1 None relevant to the application site.

4. Constraints

Bantock House Conservation Area
LB Grade: II
20m Buffer around Listed Buildings

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan

HE12 - Preservation and Active Use of LBs
HE13 - Development Affecting a Listed Building
HE4 - Proposals Affecting Conservation Area

Other Relevant Policies

5.2 PPS1 – Delivering Sustainable Development

5.3 Black Country Core Strategy (publication document Nov 2009).
ENV3 - Design Quality
ENV2 - Historic Character and Local Distinctive

6. Environmental Impact Assessment Regulations

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

7.1 No representations received.

8. Internal Consultees

Historic Environment Team – No objections

Property Services - Estates – No objections

Environmental Services – No objections

9. External Consultees

Wolverhampton Civic And Historical Society – No comments received.
English Heritage – No objections

10. Legal Implications

- 10.1 General legal implications are set out the beginning of the schedule of planning applications.
- 10.2 When an application is situate in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act.
- 10.3 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess. Legal Implications reference LM/20102011/V.

11. Appraisal

- 11.1 The key issues are: -
- Special Interest of the Listed Building
 - Impact Upon Conservation Area
 - Design and Appearance

Special Interest of the Listed Building

- 11.2 The application proposes the removal of the opening roof vents to the conservatory roof and the replacement with direct glazing to prevent leaks. The Councils Conservation officer and English Heritage have made no objections to the proposal. The proposal would therefore not affect the special architectural or historic interest of the listed building and its setting. The application proposes no alterations to the internal finishes. The proposal therefore complies with Policies HE13 and HE12.

Impact upon Conservation Area

- 11.3 The proposed replacement glazing would not be visible from any vantage points. The Councils Historic Environment team has no objections to the proposal. It is therefore considered that the proposal would not have a negative impact upon the special architectural or historic character of the conservation area and its setting.

Design and Appearance

- 11.4 It is considered that the replacement of the conservatory roof vents with direct glazing will involve no material changes to any other element of the building, and the change in appearance will be minimal. The replacement glazing has been designed to a high standard in consultation with the councils Historic Environment team. The proposal therefore complies with policy ENV3.

12. Conclusion

- 12.1 The proposed replacement glazing will not effect the special interest of the listed building, as it replaces existing roof vents which urgently need replacing to prevent ingress of water which is having a negative impact upon the structure and special interest of the listed building. The proposal therefore complies with policy HE13 and HE12.
- 12.2 The proposed replacement glazing cannot be overlooked from any adjacent buildings or vantage points, and the Council's Historic Environment team, have made no objections to the proposal. It is therefore considered that the proposed replacement glazing would not have a negative impact upon the special architectural or historic character of the conservation area and its setting, and therefore complies with Policy HE4.
- 12.3 The proposed replacement glazing has been carefully designed to match the existing conservatory roof. There would be no adverse impact to the local character of the conservation area. The proposals accord with policy ENV3 and ENV2.

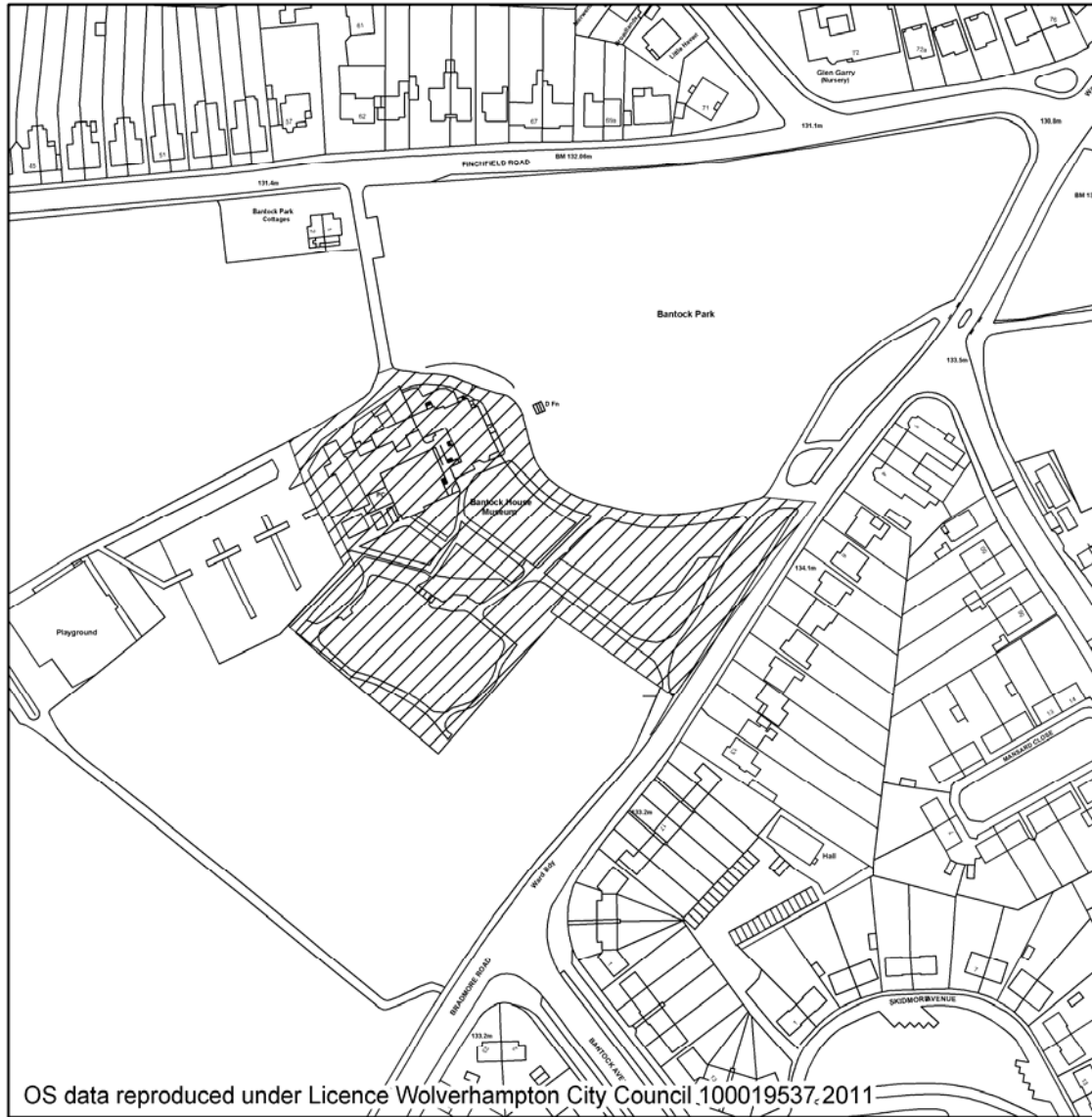
13. Recommendation

That listed building consent application 11/00726/LBC, be submitted to the Secretary of State with a recommendation for approval.

Case Officer : Ms Kiran Williams

Telephone No : 01902 555641

Head of Development Control & Building Control – Stephen Alexander



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00726/LBC

| | | | |
|---------------------|---|-------------------------|---------------------|
| Location | Bantock House, Finchfield Road, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 389656 298026 |
| Plan Printed | 24.10.2011 | Application Site Area | 11715m ² |

- 3.3 10/01179/VV for Application for variation of condition 5 following grant of planning permission 08/01479/DWF for Change of use to 'Youth Cafe', to extend opening hours until 05.00 from 08th December 2010 to 02nd January 2011, Granted, dated 17.11.2010.

4. Constraints

- 4.1 Conservation Area
Listed Building
Sites and Monuments
Wolverhampton City Centre Inset:
Location: Shopping Quarter
Location: Cultural Quarter

5. Relevant Policies

- The Development Plan
- 5.1 Wolverhampton's Unitary Development Plan
EP1 - Pollution Control
EP5 - Noise Pollution
B5 - Design Standards for Employment Sites
- Other relevant policies
- 5.2 PPS1 – Delivering Sustainable Development
- 5.3 Wolverhampton's Supplementary Documents
- 5.4 Black Country Core Strategy (publication document Nov 2009).
ENV3 – Design Quality.

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).
- 6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

- 7.1 One representation received at time of writing, neighbour consultation period closes on 19 October 2011.
- Disturbance from noise

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/11102011/Q

9. Appraisal

9.1 The key issue is residential amenity.

Residential Amenities

9.2 Unitary Development Plan (UDP) Policy EP1: Pollution Control (Part I).and UDP Policy B5: Design Standards for Employment Sites seek to protect residential amenities from noise disturbance.

9.3 The units are located within Wolverhampton's "Shopping Quarter", with surrounding uses being retail units and a public house. There are apartments to the upper floors of Royal London Buildings, which could be subject to disturbance; however, the rooms directly above the application site are offices, which provide a sufficient buffer zone between the Youth Café and the apartments, protecting them from any noise related activities. On the previous application for the change of use to "Youth Café" conditions were also imposed to provide a suitable scheme to control noise/vibration from any ventilation system.

10. Conclusion

10.1 Subject to consideration of any objections from neighbouring properties, it is considered that the temporary extension of time over the Christmas Period, providing an essential service to the young people of Wolverhampton, is satisfactory with no significant detriment to neighbouring residential apartments, nor does it affect the listed building or its setting in any adverse way.

11. Recommendation

11.1 That the Interim Strategic Director for Education and Enterprise be given authority to grant planning application 11/00908/VV, subject to the following conditions:

1. Hours of opening shall be limited to 12.00pm (lunch time) - 06.00am (morning) every day, for a temporary period between 8 December 2011 to 2 January 2012. Following this period the hours of opening shall revert back to 12.00 – 23.00 every day, including bank holidays, as specified under planning application 08/01279/DWF.

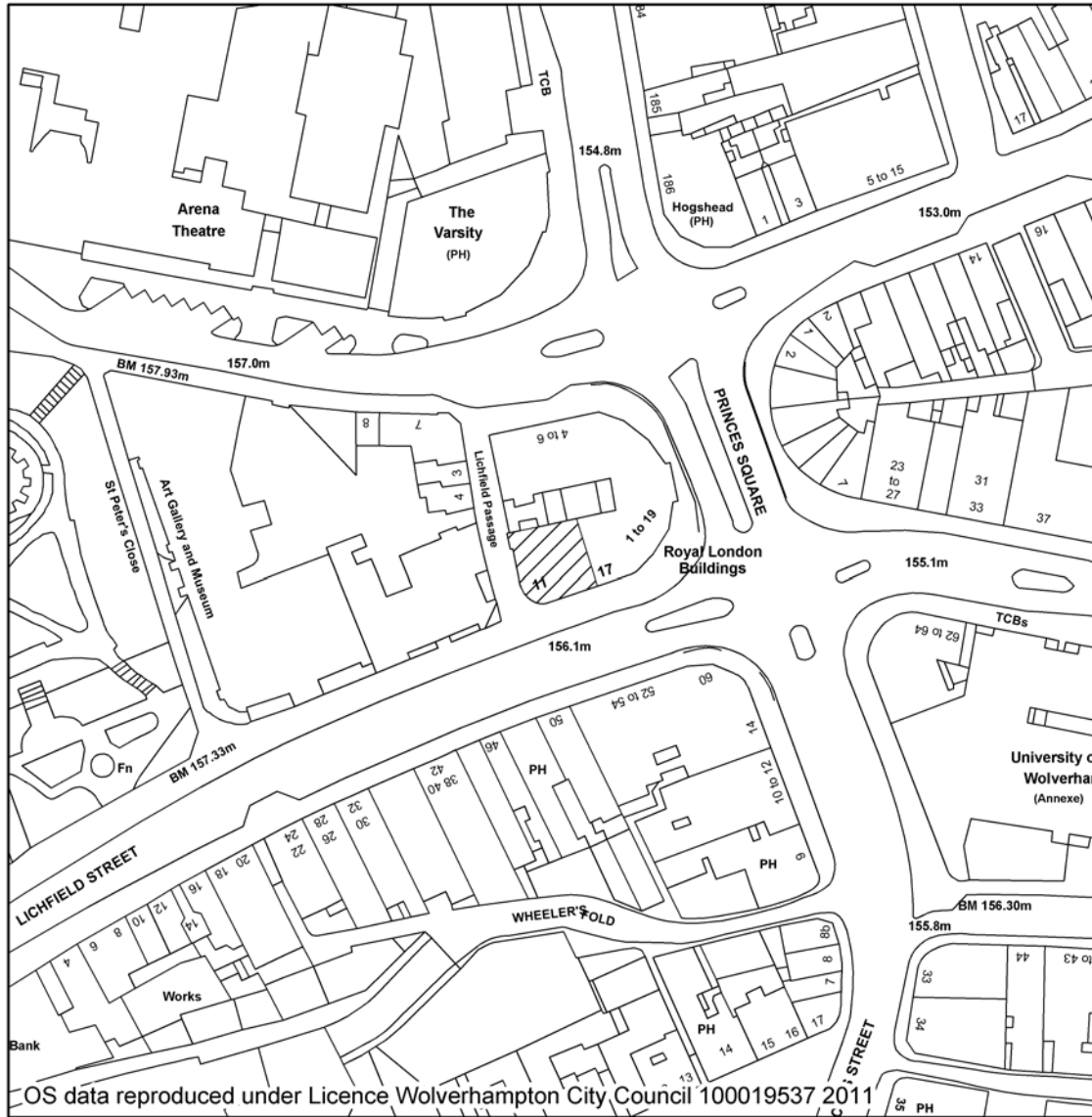
Reason: In the interests of the amenity of the area. Relevant UDP policies B5, EP1, and EP5.

2. Other conditions from original approval.

Case Officer : Ms Tracey Homfray

Telephone No : 01902 555641

Head of Development Control & Building Control – Stephen Alexander



OS data reproduced under Licence Wolverhampton City Council 100019537 2011

DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Planning Application No: 11/00908/VV

| | | | |
|---------------------|--|-------------------------|-------------------|
| Location | 13 - 15 Lichfield Street, City Centre, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 391560 298797 |
| Plan Printed | 24.10.2011 | Application Site Area | 150m ² |