

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel

PLANNING COMMITTEE

Date: 6th December 2011

Originating Service Group(s)

REGENERATION AND ENVIRONMENT

Contact Officer(s)

**Stephen Alexander
(Head of Development Control & Building Control)**

Telephone Number(s)

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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 (6th December 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 LPAs 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>
11/00901/RP	40 Lyndhurst Road Wolverhampton WV3 0AA	Graiseley	Page 8
Application Type	Change of use		
11/00848/FUL	Land Adjacent To 69 Stubby Lane Wolverhampton	Wednesfield South	Page 15
Application Type	Minor Dwellings		
11/00538/FUL	Land Adjacent 6 Lawrence Avenue Heath Town Wolverhampton WV10 0QJ	Heath Town	Page 21
Application Type	Minor Dwellings		
11/00539/FUL	Shop South Corner Of Bushbury Road Lawrence Avenue Heath Town Wolverhampton	Heath Town	Page 26
Application Type	Minor Dwellings		
11/00822/FUL	Clearance Bed Warehouse Unit 1 Ice House Industrial Estate 148 Oxford Street Bilston WV14 7DN	Bilston East	Page 31
Application Type	Smallscale Major All Other Development		
11/00973/VV	154 Land Bounded By The Staffordshire And Worcester Canal And Wobaston Road Wolverhampton	Bushbury North	Page 37
Application Type	Largescale Major All other developments		

11/00996/REM	I54, Land Bounded By Staffordshire And Worcester Canal Lawn Lane M54 Wobaston Road Wolverhampton	Bushbury North	Page 46
Application Type	Largescale Major All other developments		
10/00972/FUL	Moseley Hall Farm House Moseley Road Bushbury Wolverhampton WV10 7HZ	Bushbury North	Page 51
Application Type	Smallscale Major Dwelling		
11/00687/VV	106 Birmingham Road Wolverhampton WV2 3NH	Blakenhall	Page 66
Application Type	Smallscale Major All Other Development		
11/00887/FUL	10 Broad Street City Centre Wolverhampton WV1 1HP	St Peters	Page 71
Application Type	Minor Retail		
11/00933/FUL & 11/00938/LBC	Low Level Station Site Bounded By Sun Street Wednesfield Road Wolverhampton	Heath Town	Page 78
Application Types	Change of use Listed Building Consent (alter-extend)		

- 2.4 The numbers of clients visiting the Gymnasium is between 8 to 10 a week. However, the use will intensify as it is the intention of the applicant to increase the number of clients to 5 a day over a two year period.
- 2.5 There are three parking spaces available on the front of the property. The proposal is for one parking space to be available on the front of the property for the clients on the basis that clients attend on a one-to-one basis.
- 2.6 The business operates between the hours of 08:00 to 20:30 Monday to Friday, 08:00 to 12:00 on Saturday and not at all on Sundays and Bank Holidays. Each training session lasts one hour.
- 2.7 The retrospective planning application has been submitted due to a Planning Enforcement enquiry regarding an unauthorised commercial gymnasium operating from an outbuilding within the curtilage of 40 Lyndhurst Road.
- 2.8 The owners of the property are not paying business rates for the Gymnasium use.

3. Planning History

There is no relevant planning History.

4. Constraints

Article 4 Directions - : Copthorne Road Conservation Area

5. Relevant policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

AM12 – Parking and Servicing Provision
 D11 - Access for People with Disabilities
 EP1 - Pollution Control
 EP5 - Noise Pollution
 H6 – Design of Housing Development
 R9 - New Open Space, Sport and Recreation Facilities

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).
 CEN1 - The Importance of the Black Country Centres for the Regeneration Strategy
 CEN4 – Regeneration of Town Centres
 ENV6 – Open Space, Sport and Recreation

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 Thirteen representations received. Twelve are opposed to the proposal and one has no objection in principle. The objections can be summarised as follows;
- Disturbance from loud music;
 - Loss of privacy whilst in the garden;
 - Hours of operation;
 - Parking

8. Internal consultees

Environmental Services – Object to the change of use. The generation of music "to motivate clients whilst undertaking their training session" or even vocal motivation by the trainer will adversely affect the occupants of residences in the area.

Transportation - Transportation have no objections to the current business. However, they are concerned that intensification of the business could lead to more than one customer at the premises.

9. External consultees

No external consultations were carried regarding this application.

10. Legal Implications

- 10.1 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 S70(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 that determinations of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 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.

10.3 Since the implementation of the Planning Act 2008 local planning authorities are now required to have regard to the desirability of achieving good design under S183 of this Act.

11. **Appraisal**

11.1 The key issues are: -

- Amenity of the occupiers of 40 Lyndhurst Road,
- Amenity of neighbouring properties,
- Parking provision,
- Appropriateness of location.

11.2 The proposal for change of use of part of the residential property to a gymnasium (Use Class D2) is considered to be a sport and recreational use. It is considered that the proposal for a sports and recreational facility at this location is unacceptable as it is incompatible with the residential uses in the predominately residential area. The gymnasium use is also considered unacceptable as it has not been designed to be physically accessible for all users, especially people with disabilities. The proposal is contrary to UDP policy R9: New Open Space, Sport and Recreation Facilities.

11.3 Further to this, it is considered that the proposal due to its location at a residential property would reduce the overall value of the recreation network in the Black Country. As such it is contrary policy ENV6: Open Space, Sport and Recreation of the adopted BCCS.

11.4 The spatial objectives of the Black Country Centres are the focus for retail, leisure, commercial and civic uses. The Strategic Centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton will provide the main focus for higher order sub-regional retail, office, leisure, cultural and service activities balanced by a network of Town, District and Local Centres, providing for town centre uses. The applicant has failed to demonstrate why a site within a defined centre has been discounted and therefore the proposal is contrary to adopted BCCS policies CEN1: The Importance of the Black Country Centres for the Regeneration Strategy and CEN4: Regeneration of Town Centres.

11.5 The outbuilding in the rear garden of the residential property is being used for a commercial sport and recreational use. All housing developments should be of a high standard of design, including new build, buildings conversions and the sub-division of existing dwellings. It is considered that the commercial gymnasium use is incompatible with the residential uses in the predominately residential area and adversely affects the residential amenity of neighbouring residents. The proposal is contrary to policy H6: Design of Housing Development.

11.6 The means of transport used by the clients varies from car, bicycle or by foot. However, there is no proposed parking provision for cycle, motor cycle or disabled parking at the property. This contrary to policy AM12: Parking and Servicing Provision.

11.7 A fundamental aim of Wolverhampton City Council is to promote an accessible built environment to ensure that disabled people are not denied the opportunity to participate fully in all aspects of City life. Development, including parking where provided, must therefore meet the highest standards of accessibility and promote inclusion. Access to the gymnasium is through a side door to the main property. The application scheme is considered not to be suitable for people with disabilities in terms of access and the opportunity to participate in the gymnasium use. There is no proposal for a dedicated disabled parking space, appropriate footpath and approach

and entrance to the property/gymnasium. As such the proposal is contrary to policy D11: Access for People with Disabilities.

- 11.8 Consultation has been carried out with the Food and Environmental Safety section of the Council who have concerns about the operational noise from the gymnasium. It is considered that the generation of music to motivate clients whilst undertaking their training session or the vocal motivation by the trainer adversely affects the amenity of the occupiers of the application site and neighbouring properties in the area. This is contrary to policy EP1: Pollution Control and EP5: Noise Pollution of the retained UDP.
- 11.9 Further to this, it is considered that the change of use of part of the property to a gymnasium has seriously affected the amenity of the neighbouring properties as there appear to be a loss of privacy due to overlooking of the neighbouring gardens by clients visiting the gymnasium. This is contrary to policy H6: Design of Housing Development.
- 11.10 It is proposed that there would be an increase in the numbers clients visiting the premises from the existing two to five a day. The intensification of the gymnasium use due to an increase in the number of clients is likely to significantly affect the residential amenity of the occupiers of the application site and neighbouring properties. This is contrary to policy H6: Design of Housing Development.

12. Conclusion

- 12.1 The change of use of part of the property to a gymnasium (Use Class D2) with an associated Personal Training business is considered to be seriously detrimental to the amenity of the occupiers of the application site and neighbouring properties. This is due to the disturbance caused by the noise from the generation of music to motivate clients whilst undertaking training and the vocal motivation by the trainer. It is considered that there is also severe loss privacy for the neighbouring properties because of clients overlooking their gardens when visiting the gymnasium at the bottom of the garden. The commercial gymnasium use is considered to be a centre use and not appropriate in this residential location. The applicant has also failed to demonstrate why a defined centre location has been discounted.

13. Recommendation

- 13.1 Refuse application 11/00901/RP and proceed with formal enforcement action by serving an Enforcement Notice to cease the unauthorised change of use, for the following reasons:
1. The change of use of part of the property to a gymnasium (Use Class D2) is considered to be seriously detrimental to the occupiers of the neighbouring properties. The location of the gymnasium has resulted in a loss of privacy for the neighbouring properties due to overlooking of their private gardens. The proposal is contrary to Policy H6 of the retained Wolverhampton UDP.
 2. The proposal has already resulted in noise and general disturbance to the occupiers of 40 Lyndhurst Road and the neighbouring properties. The intensification of the use is likely to increase the detrimental impact on the amenity of occupiers of 40 Lyndhurst Road and neighbouring properties. The proposal is contrary to Policies EP1, EP5 and R9 of the retained Wolverhampton UDP. The proposal is also contrary to ENV6 of the adopted BCCS.

3. There is insufficient parking/disabled parking to meet the likely demand for the proposal. The proposal is contrary to Policy AM12 and D11 of the retained Wolverhampton UDP.
4. The proposal constitutes a centre use in an out of centre location. As such the proposal is not in a sustainable location and is likely to be detrimental to the vitality and viability of surrounding centres. The proposal is contrary to Policies CEN1, CEN4 of the adopted BCCS.

Case Officer : Mr Dharam Vir

Telephone No : 01902 555606

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00901/RP

Location	40 Lyndhurst Road, Wolverhampton, WV3 0AA		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390493 297177
Plan Printed	23.11.2011	Application Site Area	415m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00848/FUL

WARD: Wednesfield South

DATE: 01-Sep-11

TARGET DATE: 27-Oct-11

RECEIVED: 31.08.2011

APP TYPE: Full Application

SITE: Land Adjacent To 69, Stubby Lane, Wolverhampton

PROPOSAL: Erection of new A1 shop

APPLICANT:

AXSG Properties Ltd
Hilton Hall Business Centre
Hilton Lane
Essington
Wolverhampton
WV11 2BQ

AGENT:

Mr Gay
55 Bellencroft Gardens
Merry Hill
Wolverhampton
WV38 8DU

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located at the end of a small retail parade on vacant land adjacent to 69 Stubby Lane.
- 1.2 The retail parade consists of a row of small terraced shops with residential accommodation above. A service road runs along the commercial parade around a roundabout at the junction of Stubby Lane, Perry Hall Road and Ratcliffe Road.
- 1.3 Immediately opposite the application site, there is another terraced commercial parade which at its far end (No. 79A Stubby Lane) has a single storey shop slightly in front of the adjacent dwelling at 81 Stubby Lane.
- 1.4 Car parking provision is located along the service road facing the commercial parade.

2. Application details

- 2.1 This application seeks planning permission for the erection of a single storey retail unit. The proposed building would be attached to the existing end shop. Access to the existing upper floor flats would be modified facing directly onto Perry Hall Road.
- 2.3 The building would be approximately 5.5m long by 9m depth.
- 2.4 The design of the building consists of a flat roof with a parapet roof detail. The height of the building would be approximately 4m.
- 2.5 Internally, the proposed floor area for the retail unit would be approximately 31sqm. It would include a wc and a small lobby area at the back. A bin store 2.3m long by 1.1m wide would be located underneath a new staircase that will give access into the existing apartment units.
- 2.6 The plans also show a grassed area outside the retail unit protected by bollards along the pedestrian pavement.

- 2.7 The proposed shopfront would wrap around the corner. There are no proposed changes to the existing access arrangements.
- 2.8 It is proposed to have two full-time jobs and one part time job at the retail unit. The proposed opening hours are 09.00 to 18.00 hours Mondays to Fridays, 09.00 to 17.00 Saturdays, Sundays and Bank Holidays 09.00 to 16.00.

3. Relevant Planning History

- 3.1 01/0785/FP for the erection of new retail shop. Refused on the 08.08.2001. For the following reasons:
1. Parking and servicing provision
 2. Incongruous forward projection in relation to adjoining properties in Perry Hall Road
 3. Detrimental to residential amenities of No. 1 Perry Hall Road due to close proximity of bin storage.
- 3.2 06/0035/FP/C for an extension to create new shop. Granted on the 07.03.2006.

4. Constraints

- 4.1 Coal Mining

5. Relevant policies

The Development Plan

- 5.1 Black Country Core Strategy (BCCS)
- | | |
|-------|--|
| CSP1 | The Growth Network |
| CSP4 | Place Making |
| EMP1 | Providing for Economic Growth |
| CEN1 | The Importance of the Black Country Centres for Regeneration |
| CEN2 | Hierarchy of Centres |
| CEN3 | Growth in Strategic Centres |
| CEN 5 | District and Local Centres |
| CEN6 | Meeting Local Needs for Shopping and Services |
| CEN7 | Controlling Out-of-Centre Development |
| TRAN2 | Managing Transport Impact of New Development |
| TRAN4 | Creating Coherent Networks for Cycling and for Walking |
| ENV2 | Historic Character and Local Distinctiveness |
| ENV3 | Design Quality |
- 5.2 Wolverhampton's Unitary Development Plan (UDP)
- | | |
|------|-------------------------------------|
| D3 | Urban Structure |
| D4 | Urban Grain |
| D6 | Townscape and Landscape |
| D7 | Scale - Height |
| D8 | Scale - Massing |
| D9 | Appearance |
| D10 | Community Safety |
| D11 | Access for People with Disabilities |
| AM12 | Parking and Servicing Provision |
| AM15 | Road Safety and Personal Security |

Other relevant policies

- 5.3 PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport

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 One petition letter received against the proposal with 80 signatures. An objection letter was also received and both raised the following issues:
- Traffic congestion.
 - Difficult accessibility to flats above the retail premises due to cars blocking the entrance.
 - Lack of parking provision therefore people will start to use more the pavement in detriment to pedestrians.

8. Internal consultees

- 8.1 **Environmental Services** – No objections. Recommended the following:
- Any ventilation system to be located the furthest away from surrounding residential properties.
 - Any lighting should be of such specification, siting and direction, that there is no loss of amenity by way of glare and spillage to other properties within the vicinity.
 - Due to the proximity to the neighbouring residential property all commercial vehicle movements to and from the site should be restricted to 0700 to 2300 Monday to Saturday and at no times on Sundays and Bank Holidays.
 - restricting the use class to A1 and A2 only and no A3, A4 and A5 uses.
- 8.2 **Transport:** No objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the Schedule of planning applications (LD/21112011/S)

10. Appraisal

10.1 The key issues are: -

- Principle of the development & Economic Development
- Design, Siting and Layout
- Impact on residential amenities
- Access and parking

Principle of the development & Economic Development

10.2 The proposed use is classified as an A1 use in the Use Classes Order (as amended 2010). It is part of Stubby Lane local centre.

10.3 Although a similar scheme was refused in 2001, a subsequent application for a slightly smaller shop was approved in 2006. Neither were implemented.

10.4 The development proposal would result in the creation of two full-time jobs and one part time job on a formerly vacant site.

10.5 The BCCS envisages and supports the creation of an economically prosperous Black Country. In accordance with BCCS policy CEN5 an individual convenience retail development such as the proposed one would cater for local requirements and is considered appropriate to the scale and function of this particular local centre.

Design, Siting and Layout

10.6 The proposed building would be sited on an untidy vacant land with a forward projection of approximately 1.4m away from properties at Perry Hall Road. Application reference No. 01/0785/FP refused a similar type of building as it would project forward by 2.6m. The siting of the proposed building would have only a marginal forward projection in comparison to the existing building line.

10.7 Therefore, the siting of the proposed building responds positively to the existing commercial parade spatial character and building lines (Stubby Lane and Perry Hall Road).

10.8 The proposed building would appear as a small extension to the existing commercial parade in keeping with the character and appearance of the immediate buildings.

10.9 An active street frontage is proposed as it would address its corner position with the use of a glazed shopfront that 'turns around the corner'.

10.10 The layout of the proposed development would improve existing pedestrian links and the provision of a landscaped area would reinforce the local distinctiveness making a positive contribution to the appearance of the area.

10.11 The siting and layout would assist in reinforcing local distinctiveness; take the opportunity available for improving the quality of the area and would positively contribute to improving the character of the area.

Impact on residential amenities

10.12 The bin storage area would be located 4.8m away from property No. 1 Perry Hall Road. This is the same separation distance as application reference No. 01/0785/FP. However, when the site was visited, the area in close proximity to No. 1 Perry Hall Road was untidy, full of litter and occupied by three wheeling bins. Contrary to the 2001 application, the proposed bin storage area would be fully enclosed and out of sight. It is considered that would considerably improve the visual amenity of surrounding neighbours.

10.13 Therefore, the design and positioning of the proposed building would respect the privacy, daylight and outlook from adjacent dwellings.

10.14 The proposed hours of operation are acceptable and can be controlled by condition.

Access and parking

10.15 According to neighbours', cars and lorries park on this vacant land. This is an unsuitable parking and servicing area as it blocks pedestrian access to flats and could be detrimental to pedestrian safety.

10.16 Application reference No. 01/0785/FP refused a similar type of development as it would not provide any parking. Whilst the scheme now proposed shows no additional parking, such a small shop would be unlikely to generate a significant increase in parking demand such that could not be accommodated by the parking provision that already exists in the service road in front of the row of shops.

11. Conclusion

11.1 The proposed use of the site is acceptable in principle. The use, the layout and the design of the proposal are acceptable. The scheme is acceptable in highway terms. The residential amenities of existing residents, in terms of outlook, privacy and daylight, are preserved.

11.2 The proposed scheme is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, EP1, EP4, EP5, AM12 and AM15, BCCS policies CEN 5, HOU2, DEL2, EMP2, ENV3, CSP4 and Government planning policies PPS1, PPS4 and PPG13.

12. Recommendation

12.1 Delegated authority to approved subject to the following conditions:

- Materials
- Landscaping
- Boundary Treatment
- Bin store to be retained
- Hours of operation

Case Officer : Ms Marcela Quiñones

Telephone No : 01902 555607

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00848/FUL

Location	Land Adjacent To 69, Stubby Lane, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 396025 300736
Plan Printed	23.11.2011	Application Site Area	101m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00538/FUL

WARD: Heath Town

DATE: 01-Sep-11

TARGET DATE: 27-Oct-11

RECEIVED: 31.05.2011

APP TYPE: Full Application

SITE: Land Adjacent, 6 Lawrence Avenue, Heath Town, Wolverhampton

PROPOSAL: Erection of a detached four bedroom dwelling and detached garage.

APPLICANT:

Mr Stewart Malcolm
43 Colman Avenue
Wolverhampton
WV11 3RT

AGENT:

Mr David Leadbetter
Planning 2 Detail Ltd
B.V.I.C
Central Boulevard
Solihull
B90 8AJ

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site comprises of a vacant piece of land, which currently forms part of the side garden to the existing residential property at 6 Lawrence Avenue. The site is roughly rectangular in shape and extends to 0.18 hectares. The surrounding area is predominantly residential.
- 1.2 Immediately to the east of the site there is an existing pair of semi detached properties, fronting Lawrence Avenue. To the west there is an existing shop fronting Prestwood Lane, for which there is a separate planning application proposing the demolition of the shop and the erection of detached three bedroom dwelling (Application Ref No: 11/00539/FUL), and immediately adjacent to the shop there are pair of Victorian semi detached properties, fronting Prestwood Lane. Heath Town Park is located immediately to the rear of the site.

2. Application details

- 2.1 The application proposes the erection of a detached four bedroom dwelling and detached garage. The proposed dwelling has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line.
- 2.2 The proposed dwelling has been designed to be in keeping with the neighbouring properties, incorporating a double fronted elevation incorporating two dormer windows on the ground floor. The dwelling has been designed to mirror the footprint of neighbouring properties, and has no side windows, to prevent any overlooking upon neighbours. Parking is provided via a detached garage located to the west of the site via a driveway, which would be accessed via Lawrence Avenue.

3. Planning History

11/00477/FUL for Two storey side extension,
Granted, dated 01.08.2011.

4. Constraints

4.1 None relevant to the application site.

5. Relevant policies

The Development Plan
5.1 Wolverhampton's Unitary Development Plan
AM12 - Parking and Servicing Provision
D4 - Urban Grain
D8 - Scale - Massing
D9 - Appearance
H6 - Design of Housing Development

Other relevant policies
5.2 PPS1 – Delivering Sustainable Development

5.3 Wolverhampton's Supplementary Documents
SPG3 - Residential Development

5.4 Black Country Core Strategy (publication document Nov 2009).
ENV3 - Design Quality
CSP4 Place Making

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 One representation received objecting and requesting to speak on the following grounds:

- Overlooking
- Loss of privacy
- Loss of light
- Terracing effect

8. Internal consultees

Tree Officers - No objections subject to retention of the red leaved Acer tree nearest to Lawrence Avenue to be retained and a condition on tree protection measures.

Transportation Development – No objections, subject to conditions on boundary treatment, visibility splays, and the internal dimensions of the garage to be increased to 5.5m x2.8m.

Environmental Services – No objections subject to conditions on operating hours during constriction, acoustic windows, contaminated land and ventilation.

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications. (LM/21112011/T)

10. Appraisal

10.1 The key issues are: -

- Design & Street Scene
- Highways and Layout
- Neighbouring Amenity

Design & Street Scene

10.2 The proposed dwelling is in keeping with neighbouring properties and those surrounding, with a similar massing height and design. The proposal has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line. The proposal would not project back behind the existing building line of the neighbouring property at 6 Lawrence Avenue.

Highways and Layout

10.3 The dwelling has ample amenity to support the proposal and has adequate parking provided via the detached garage, and driveway, accessed off Lawrence Avenue. Highways have no objections to the proposal, subject to a condition on visibility splays, boundary treatment, and the proposed internal garage dimensions being increased to 5.5m x2.8m.

Neighbouring Amenities

10.4 The proposed dwelling would have no direct impact on any of the neighbouring properties; there are no windows in the side elevation. There is sufficient distance between the proposed dwelling and neighbouring windows, and the proposal would not appear overly dominant or obtrusive. Existing Leylandi trees screen the neighbouring boundary with the property at 1b Prestwood Road, which is the neighbouring property to the west of the application site.

11. Conclusion

11.1 It is considered that the proposed dwelling has been carefully designed taking into consideration the existing character and design of the surrounding properties. The garden space and parking area is sufficient enough to support the proposal, and there would be no significant detriment to neighbouring amenities, such as outlook, light, sunlight and privacy.

12. **Recommendation**

Grant, Subject to the following Conditions:

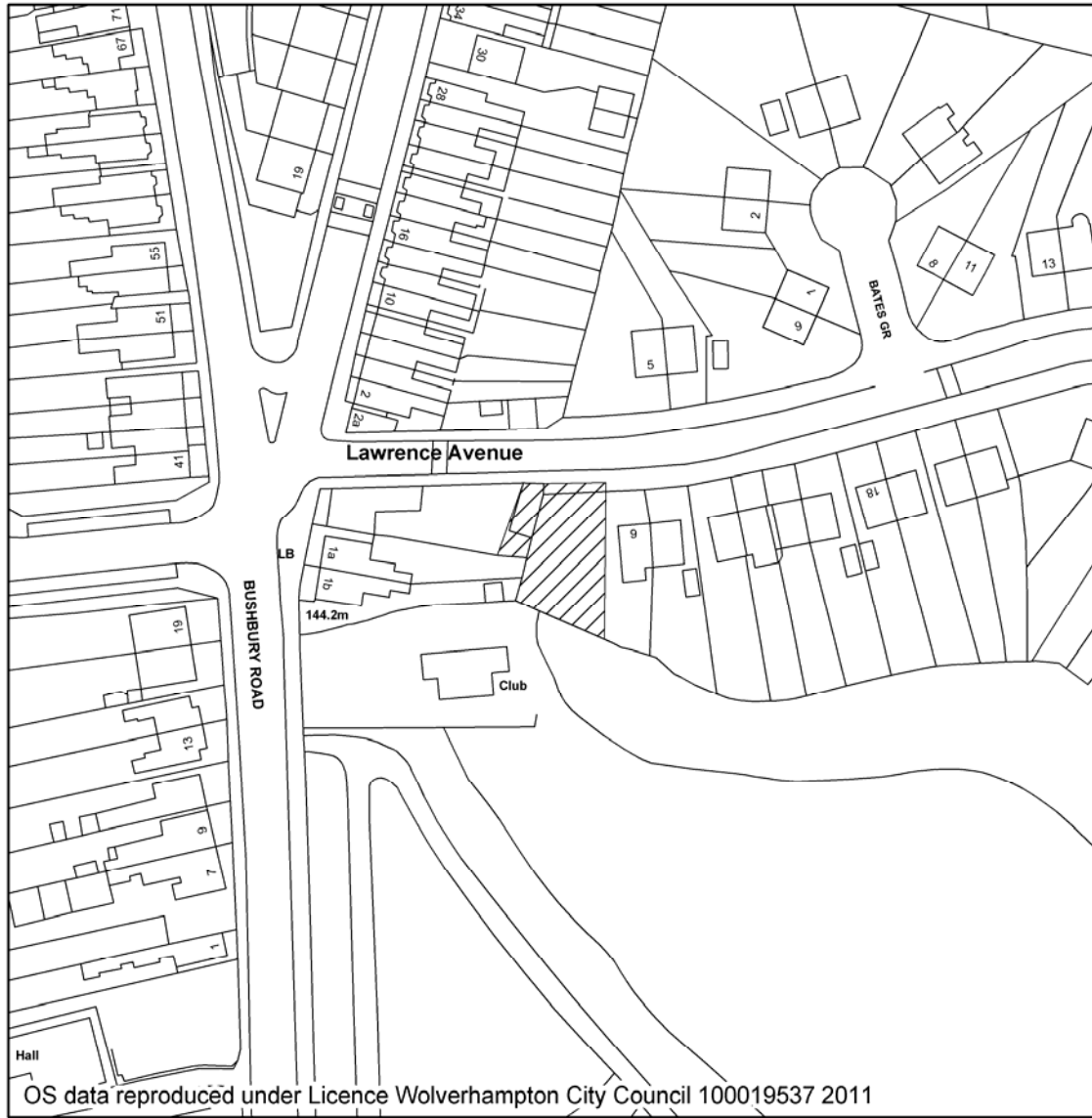
12.1 That planning application 11/000539/FUL is granted, subject standard conditions, including the following:

- Submission of Materials
- Sustainable Drainage
- Operating Hours during construction
- Acoustic Windows
- Ventilation
- Contaminated Land
- Visibility Splays
- The internal dimensions of the garage being increased to 5.5m x 2.8m.
- Submission of proposed landscaping and boundary treatments
- Retention of the red leaved Acer tree nearest to Lawrence Avenue
- Tree protection measures

Case Officer : Ms Kiran Williams

Telephone No : 01902 555641

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00538/FUL

Location	Land Adjacent, 6 Lawrence Avenue, Heath Town, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393237 299953
Plan Printed	23.11.2011	Application Site Area	357m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00539/FUL

WARD: Heath Town

DATE: 01-Sep-11

TARGET DATE: 27-Oct-11

RECEIVED: 01.06.2011

APP TYPE: Full Application

SITE: Shop South Corner Of Bushbury Road, Lawrence Avenue, Heath Town, Wolverhampton

PROPOSAL: Demolition of existing shop unit and erection of a detached three bedroom dwelling and detached garage.

APPLICANT:
Mr Stewart Malcolm
43 Colman Avenue
Wolverhampton
WV11 3RT

AGENT:
Mr David Leadbetter
Planning 2 Detail Ltd
B.V.I.C
Central Boulevard
Solihull
B90 8AJ

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site comprises of an existing local convenience store, located on the south corner of the Bushbury Road and Lawrence Avenue. The site is roughly rectangular in shape, and the surrounding area is predominantly residential.
- 1.2 Immediately to the south of the site there are a pair of Victorian semi detached properties fronting Prestwood Road. To the rear of the site to the east, there is an existing property at 6 Lawrence Avenue, for which there is a separate planning application proposing the erection of a detached four bedroom dwelling and detached garage. (App Ref: 11/00538/ful also on this agenda), on land forming the side garden of this property.

2. Application details

- 2.1 The application proposes the demolition of the existing shop unit and the erection of a detached three bedroom dwelling and detached garage to the rear. The proposed dwelling has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line.
- 2.2 The proposed dwelling has been designed to be in keeping with neighbouring properties, incorporating a downstairs front dormer window, and has no side windows, to prevent any overlooking upon neighbours. Furthermore, the proposal has been designed to be sited on the exact footprint of the existing shop unit

3. Planning History

- 3.1 None relevant to the application site

4. Relevant policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan
 - AM12 - Parking and Servicing Provision
 - D4 - Urban Grain
 - D7 - Scale - Height
 - D9 - Appearance
 - D8 - Scale - Massing
 - H6 - Design of Housing Development

Other relevant policies

- 4.2 PPS1 – Delivering Sustainable Development
- 4.3 Wolverhampton's Supplementary Documents
 - SPG3 - Residential Development
- 4.4 Black Country Core Strategy (publication document Nov 2009).
 - ENV3 - Design Quality
 - CEN6 - Meeting Local Needs for Shopping and Services
 - CSP4 – Place Making

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.
- 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 One representation received objecting and requesting to speak at planning committee on the following grounds:
 - Overlooking
 - Loss of privacy
 - Loss of light
 - Terracing effect

7. Internal consultees

Environmental Services – No objections subject to conditions on operating hours during construction, acoustic windows, contaminated land and ventilation.

Transportation Development - No objections, subject to conditions on boundary treatment, visibility splays, the internal dimensions of the garage to be increased to 5.5m x2.8m, and access to the garage to be gained from the rear garden to encourage residents to use the garage and driveway for parking.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. [LC/22/11/2011/A]

9. Appraisal

- 9.1 The key issues are: -
Principle of Development - Loss of a Local Shop
Design & Street Scene
Highways & Layout
Neighbouring Amenity

Principle of Development - Loss of a Local Shop

- 9.2 The proposed development would result in the loss of an existing convenience store. Policy CEN6 of the Black Country Core Strategy, seeks to protect local shops that provide an important service to a local area. Development involving the loss of a convenience shop will be resisted, where this would result in an increase in the number of people living more than a convenient, safe walking distance from alternative provision.

- 9.3 The agent has provided detailed evidence, identifying that there are approximately 17 convenience stores within reasonable walking distance (up to a ten minute walk) from the application site. Furthermore, due to the amount of convenience stores in close proximity to the application site, the agent has stated that the applicants are finding trading difficult in the current economic climate. And that over the past 6 years of advertising the application property for leasing only 4 prospective tenants viewed the property. None of the four prospective tenants returned for a second viewing or put forward an offer to lease the premises.

Design & Street Scene

- 9.4 The proposed dwelling is in keeping with neighbouring properties and those surrounding, with a similar massing height and design. The proposal has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line. The proposal has been designed to be in keeping with neighbouring properties, incorporating a downstairs front dormer window.

Highways and Layout

- 9.5 The dwelling has ample garden and private amenity space to support the proposal and has ample parking to the rear of the property, provided by a detached garage, and driveway, accessed off Lawrence Avenue.

Neighbouring Amenities

- 9.6 The proposed dwelling would have no direct impact on any of the neighbouring properties. There is sufficient distance between the proposed dwellings and neighbouring windows, and the proposal would not appear overly dominant or obtrusive. The proposal has been built on the same foot print as the existing shop. Furthermore, there are no windows proposed, in the side elevations, to prevent any overlooking upon neighbours.

10. Conclusion

- 10.1 The proposed principle of development has been adequately justified. It has been demonstrated that there are sufficient other small local convenience stores, within reasonable distance from the application site. And over the past 6 years of advertising the application property for leasing only 4 perspective tenants viewed the property, of

which none returned for a second viewing or put forward an offer to lease the premises.

- 10.2 It is considered that the proposed dwelling has been carefully designed taking into consideration the existing character and design of the surrounding properties. The garden space and parking area is sufficient enough to support the proposal, and there would be no significant detriment to neighbouring amenities, such as outlook, light, sunlight and privacy. Furthermore, the proposal has been designed to the mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line.

11. Recommendation

- 11.1 That planning application 11/000539/FUI is granted, subject to standard conditions including the following:

- Submission of materials
- Sustainable Drainage
- Operating Hours during construction
- Acoustic Windows
- Ventilation
- Contaminated Land
- Access to garage to be obtained from the rear garden
- Submission of proposed landscaping and boundary treatment
- The internal dimensions of the garage being increased to 5.5m x 2.8m.

Case Officer : Ms Kiran Williams

Telephone No : 01902 555641

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00539/FUL

Location	Shop South Corner Of Bushbury Road, Lawrence Avenue, Heath Town, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393190 299961
Plan Printed	23.11.2011	Application Site Area	301m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00822/FUL

WARD: Bilston East

DATE: 18-Oct-11

TARGET DATE: 17-Jan-12

RECEIVED: 23.08.2011

APP TYPE: Full Application

SITE: Clearance Bed Warehouse, Unit 1, Ice House Industrial Estate, 148 Oxford Street

PROPOSAL: Change of use from furniture warehouse clearance to repairs, servicing and vehicle dismantling (Amended Proposal)

APPLICANT:
Bilston Motor Works
148 Oxford Street
Wolverhampton
WV14 7DP

AGENT:
Mr Ian Lewis
Lewis Architecture Limited
East Wing Wrottesley Hall Holyhead Road
Codsall
Wolverhampton
WV8 2HT

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located approximately 0.5 miles to the south of Bilston Town Centre.
- 1.2 The site comprises a retail warehouse with a small car parking forecourt and an open yard to the rear. The site is surrounded by commercial development.
- 1.3 Vehicular access is from Oxford Street.

2. Application Details

- 2.1 The application proposes to change the use of the site from a retail warehouse to vehicle repairs and servicing and end of life vehicle dismantling (Sui Generis Use).
- 2.2 Some of the vehicles to be dismantled would arrive on trailers and others would be driven to the premises by customers or staff. Vehicles would be stored and dismantled within the rear yard. The maximum height of external storage would be 2.5 metres from ground level.
- 2.3 Vehicles parts would be stored within the building. Some repair and servicing work to vehicles would also take place within the building.
- 2.4 Eight car parking spaces are proposed. No changes to the existing access arrangements are proposed.
- 2.5 The proposals involve the relocation of an existing business and will secure three existing jobs.

- 2.6 The operational hours proposed are 09.00 to 17.30 Monday to Friday and 9.30 to 13.30 on Saturdays, with no operation on Sundays or Bank Holidays

3. Constraints

- 3.1 Authorised Processes
Coal
Mineral Safeguarding Area
Retained for Employment

4. Relevant Policies

- The Development Plan
- 4.1 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
 - WM3 Strategic Waste Management Proposals
 - WM4 Locational Considerations for New Waste Management Facilities
 - WM5 Resource Management and New Development
 - MIN1 Managing and Safeguarding Mineral Resources
- 4.2 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

Other relevant Policy Documents

- 4.3 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
- 4.4 Wolverhampton's Supplementary Documents
- SPG1 Business, Industrial and Warehouse Development

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.
- 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 **Transportation Development** – No objections.
- 7.2 **Environmental Services** – No objection subject to a condition requiring measures to minimise dust, grit, fume gas or mist.

8. External consultees

- 8.1 **Environment Agency** – 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 LD/15112011/Y.

10. Appraisal

- 10.1 The key issues are:
- Economic development
 - Principle of the proposed use
 - Environmental implications
 - Access and parking
 - Waste management

Economic development

- 10.2 The BCCS envisages and supports the creation of an economically prosperous Black Country.
- 10.3 The development proposals would secure the retention of three existing jobs. The proposals accord with the aims of the BCCS.

Principle of the proposed use

- 10.4 The BCCS identifies the site as being located within a Potential Strategic High Quality Employment Area (PSHQE), where in accordance with policy EMP3 high quality B class uses will be promoted and development which would prejudice quality, dilute employment use or deter investment will be discouraged. The policy states that employment generating non-B Class uses will only be permitted in PSHQE areas where they can be shown to support, maintain or enhance the business and employment function of the area.
- 10.5 Car breaking and car repairs are non Class B uses which would not generally be appropriate in a PSHQE. However, this is a relatively small site, the buildings fronting Oxford Street are to be retained, and the proposed operations would be carried out either within the building or in the rear yard where they would not be visible from Oxford Street. On that basis the use would not prejudice quality, dilute employment use or deter investment in the area and so the proposal is in accordance with policy EMP3.

Environmental implications

- 10.6 The facility would be subject to the licensing conditions imposed by the Environment Agency and these would include restrictions on the amount of waste that can be processed at the site. The Environment Agency has powers to carry out enforcement action whenever licensing conditions are breached.
- 10.7 The nearest dwellings are 50 metres away on Great Bridge Road and on the other side of Oxford Street. Given this distance, the nature of the proposed operation, the intervening highway and commercial buildings and subject to the recommended conditions, the proposal would not have an unacceptable impact on visual or residential amenity.

- 10.8 The proposal would be in accordance with UDP policies EP1, EP5 D6, D7, D8 and D9 and BCCS policies WM2, WM4, CSP4 and ENV3.

Access and parking

- 10.9 An adequate number of parking spaces and satisfactory access arrangements are proposed, in accordance with UDP policies AM12, AM15 and BCCS policy TRAN2.

11. Conclusion

- 11.1 Subject to the imposition of the recommended conditions, the proposal is acceptable and in accordance with the development plan.

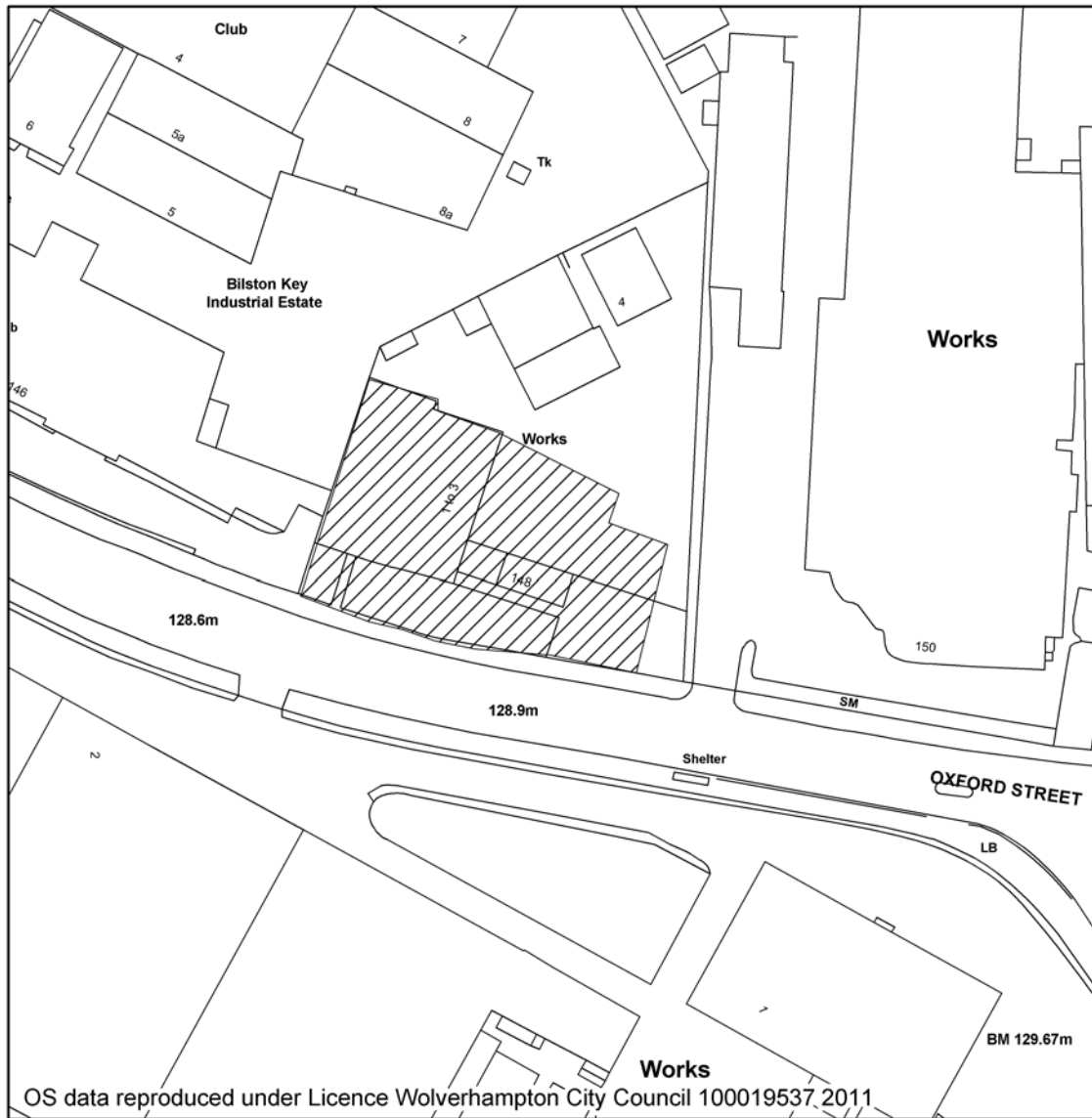
12. Recommendation

- 12.1 That planning application 11/00822/FUL be granted subject to any necessary conditions including;
- Drainage
 - Proposed parking to be provided and retained
 - Limit the height of storage in rear yard to no more than 2.5 metres
 - No servicing, repairs, dismantling or storage on the forecourt
 - Hours of operation to be 09.00 to 17.30 Monday to Friday and 9.30 to 13.30 on Saturdays. No Sunday or Bank Holiday opening.
 - Measures to minimise dust, grit, fume gas or mist.

Case Officer : Mr Phillip Walker

Telephone No : 01902 555632

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00822/FUL

Location	Clearance Bed Warehouse, Unit 1, Ice House Industrial Estate, 148 Oxford Street		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 396070 295903
Plan Printed	23.11.2011	Application Site Area	1895m ²

Conditions 7, 48 and 49

- 2.4 Condition 7 of the previous permission requires not more than 50,000 sq.m. of development to be brought into use until the approved M54 access is provided and open to traffic. It also states that maximum trip rates through the modified junction, to be based on the formula set out in the Transport Assessment, shall be used in considering applications for reserved matter "siting". This condition was required by the Highways Agency.
- 2.5 Conditions 48 and 49 of the previous permission require that not more than 50,000sq.m. of development is brought into use until improvements to A449/Gailey Roundabout and A449/Brewood Road junction are carried out. These conditions were required by the Highways Agency.
- 2.6 The application proposes to delete conditions 7, 48 and 49 and instead proposes five alternative conditions as required by the Highways Agency, to require:
- (i) Full details of an automated system to monitor vehicle trips to and from Plots A and B (the JLR site);
 - (ii) No more than 158,695 sq.m. of floorspace be brought into use until junction improvement works at A449/Gailey Roundabout and A449/Brewood Road junction have been implemented;
 - (iii) If vehicles entering the developments within Plots A and B exceed a trip threshold of 269 trips in the AM peak hour, then within a period of 18 months of that threshold being exceeded, improvements to the junctions of Gailey Roundabout and Brewood Road junction shall be implemented;
 - (iv) In the event that development forming the subject of (South Staffs) planning application 11/00631/OUT at the former Royal Ordnance Site in Featherstone has been occupied during the monitoring period, the trip figure threshold figure (269 trips in the AM peak period) shall be reduced to 249 trips.
 - (v) No more than 50,000sq.m. of development shall be occupied or brought into use until a construction contract has been let for the implementation of the M54 access.

Condition 17

- 2.7 Condition 17 of the previous permission requires a Transport Strategy and Travel Plan Framework. The Strategy is to include improvements to the junctions of (1) Wobaston Road/Droeway (2) Wobaston Road/ Patshull Avenue (3) Wobaston Road/ Pendeford Hall Lane (4) Stafford Road/Vine Island and (5) Stafford Road/Three Tuns Island (6) Stafford Road/M54 J2 (7) Wobaston Road/Pendeford Business Park. It also requires an HGV routing management plan, and measures for reducing private car usage.
- 2.8 The application proposes an alternative condition which requires a Transport Strategy and Travel Plan Framework, to include improvements to the junctions of (1) Stafford Road /Vine Island (2) A449/Brewood Road (3) A449/Gailey roundabout (4) Site access connection to Junction 2 of the M54. It also includes requirements for a traffic management plan to include HGV routing and measures to control speeding traffic on Lawn Lane and for reducing private car usage.

Condition 21

- 2.9 Condition 21 of the previous permission requires the landscaping of the site.
- 2.10 The proposed alternative condition would substitute a revised landscape strategy to allow the amalgamation of plots A and B for Jaguar Land Rover.

Condition 39

- 2.11 Condition 39 of the previous permission requires pedestrian and cycle paths to be provided at the site.
- 2.12 The proposed condition requires alternative pedestrian and cycle routes, to allow the amalgamation of Plots A and B.

Conditions 42

- 2.13 Condition 42 of the previous permission requires the bus gate, spine road, footpaths and street lighting be provided before occupation of any building, other than the 50,000 square metres accessed from Wobaston Road.
- 2.14 The application proposes to delete this condition.
- 2.15 Conditions 46 and 47 of the previous permission require a Highways Structures Option report to include details of the structures required in connection with the off-site highway works. It also requires that the approved Structures Option is implemented before more than 50,000 sq.m. of floorspace is brought into use. These conditions were required by the Highways Agency.
- 2.16 The application proposes to delete this condition.

Condition 50

- 2.17 Condition 50 requires that not more than 50,000sq.m. of development is brought into use until a study has been undertaken to determine the extent of equestrian activity in the vicinity of M54 junction 2. It also requires that if equestrian activity is detected, measures to accommodate this shall be included within the access/M54 highway works.
- 2.18 The application proposes to delete condition 50.

3. Planning History

- 3.1 11/00996/REM - Reserved Matters application pursuant to outline planning permission 09/00896/VV. Approval of Landscaping details for Phase 1 (Plot H; land alongside Wobaston Road). Pending consideration.
- 3.2 09/00896/VV to 'vary' ten of the conditions on 05/2027/OP. Granted 31st March 2010. The application allowed for an increase in the first phase of development, which would be accessed from Wobaston Road, from the permitted 15,000sq.m. to 50,000sq.m., as a means of encouraging early interest from prospective occupiers and investors.
- 3.3 05/2027/OP - Outline permission for use as a strategic employment area, comprising offices, workspaces, industrial units, education and research, hotel, ancillary services, open space and associated highways, footpaths and landscaping. Granted on 28th March 2007, with all matters of detail reserved for subsequent approval.

- 3.4 05/2026/FP/M - Site preparation works comprising ground remediation, excavation to create development plots, provision of infrastructure and landscaping. Granted 5th July 2006.

4. Constraints

- 4.1 Authorised Process
Conservation Area
Landfill Gas Zones
Millennium Urban Forest
Junction Improvement Scheme - The Drove way and Wobaston Rd
Sites and Monuments
Defined Business Area

5. Relevant Policies

The Development Plan

- 5.1 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
 - WM3 Strategic Waste Management Proposals
 - WM4 Locational Considerations for New Waste Management Facilities
 - WM5 Resource Management and New Development
 - MIN1 Managing and Safeguarding Mineral Resources
- 5.2 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

Other relevant Policy Documents

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

- 5.4 Regional Spatial Strategy Policies
- 5.4 PA7 Regional Investment Sites
- 5.4 PA8 Major Investment Sites

- 5.5 Wolverhampton's Supplementary Documents
- 5.5 SPG1 Business, Industrial and Warehouse Development

- 5.6 South Staffordshire Local Plan (1996)
- 5.6 E1 Premium Sites
- 5.6 GB4 Long Term Development Needs
- 5.6 GB5 Land Safeguarded Under Policy GB4

- 5.7 Staffordshire and Stoke on Trent Structure Plan (1996)
- 5.7 E5 Major Investment Site

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 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, an acceptable Environmental Impact Assessment was submitted with the previous outline application. That environmental information is adequate to assess the environmental implications of this proposal. It describes the environmental impact of the development proposals and shows how potentially adverse impacts have been addressed in the planning and design of the scheme. It also highlights environmental benefits and environmental enhancement proposals included in the scheme.

7. Neighbour Notification and Publicity

7.1 No representations received.

8. Internal Consultees

8.1 **Transportation** – Comments awaited.

9. External Consultees

9.1 **Highways Agency** – No objection subject to conditions to mitigate the impact of the development on the highway network.

10. Legal Implications

10.1 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “*for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted*”. On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission (LD/28112011/P).

11. Appraisal

11.1 As this is a Section 73 application the key issues are those that relate to conditions 7, 8, 17, 21, 39, 42, 46, 47, 48, 49 and 50 of the extant permission and the proposed amended conditions. The issues therefore relate to transportation, landscaping and regeneration benefits.

Economic and Regeneration Benefits

11.2 The purpose of the application is to allow the Jaguar Landrover to develop a factory on this key regional regeneration site. Jaguar Land Rover is expected to create 800 jobs and represents an investment of approximately £200 million and to act as a catalyst for the regeneration of the surrounding area and assist with the regeneration of the City and wider region.

11.3 The proposal would accord with the aims of the BCCS, which supports the creation of an economically prosperous Black Country.

Landscaping

11.4 The proposed amendment to condition 21, to allow a revised landscape strategy, would enable the amalgamation of plots A and B for JLR and is acceptable.

Transportation Implications

Condition 7, 48 and 49

- 11.5 The replacement of former conditions 7, 48 and 49 with the 5 conditions recommended by the Highways Agency is broadly acceptable, subject to consideration of the detail of the wording of the conditions.

Condition 17

- 11.6 The proposed amendments to the requirements of the Transport Strategy and Travel Plan Framework are acceptable.

Condition 39

- 11.7 The proposed amendments to the routing of pedestrian and cycle paths, to allow the amalgamation of Plots A and B for JLR, are acceptable.

Conditions 42

- 11.8 Condition 42 of the previous permission requires the bus gate, spine road, footpaths and street lighting be provided before occupation of any building, other than the 50,000 square metres accessed from Wobaston Road.
- 11.9 Rather than the deletion of this condition as proposed, it is recommended that it is amended, to decouple it from the 50,000 sq.m. trigger and to delete the requirement for a bus gate, which is duplicated in condition 8. Discussions are taking place with the agents and South Staffordshire council regarding the detailed wording.

Conditions 46 and 47

- 11.10 Conditions 46 and 47 of the previous permission require a Highways Structures Option report to include details of the structures required in connection with the off-site highway works. It also requires that the approved Structures Option is implemented before more than 50,000 sq.m. of floorspace is brought into use.
- 11.11 It is proposed to delete these conditions, which were previously required by the Highways Agency. The Agency has been asked to confirm that these conditions are no longer required.

Condition 50

- 11.12 Condition 50 requires that not more than 50,000sq.m. of development is brought into use until a study has been undertaken to determine the extent of equestrian activity in the vicinity of M54 junction 2. It also requires that if equestrian activity is detected, measures to accommodate this shall be included within the access/M54 highway works.
- 11.13 The application proposes to delete condition 50. The agent has been asked to explain why this condition is no longer required.

12. Conclusion

- 12.1 This Section 73 application, allows for the early occupation of the i54 site by Jaguar Land Rover, which would bring very significant economic and employment benefits. The proposed amendments to the landscaping condition 21 are acceptable. The proposed amendments to transportation conditions are broadly acceptable but discussions continue regarding the detailed wording of the new conditions required by the Highways Agency and why conditions 46, 47 and 50 are no longer required. A variation to the existing S106 agreements is necessary to tie the new permission into those agreements.
- 12.2 Subject to clarification and a deed of variation as described above, the proposal would be acceptable and in accordance with the development plan.

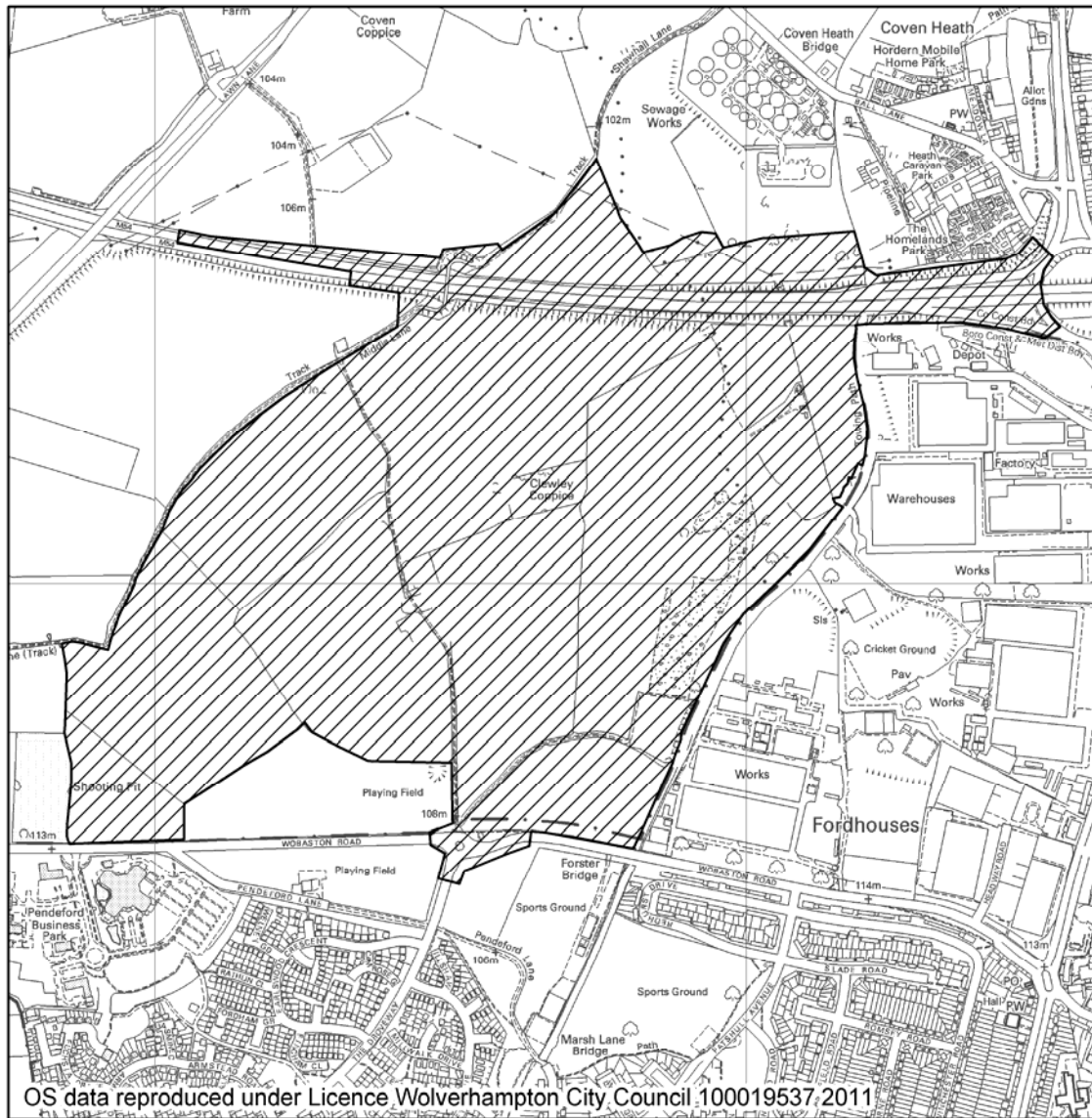
13. Recommendation

- 13.1 That the Director of Education and Enterprise be given delegated authority to grant planning application 11/00973/VV subject to:
- (i) Completion of a deed of variation to the existing s106 agreements to tie this permission to previous s106 agreements.
 - (ii) Variation of conditions 7, 8, 17, 21, 39, 42, 46, 47, 48, 49 and 50, subject to further justification and changes in the detailed wording.
 - (iii) Any relevant conditions from 09/00896/VV.

Case Officer : Mr Phillip Walker

Telephone No : 01902 555632

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00973/VV

Location	I54, Land Bounded By The Staffordshire And Worcester Canal And Wobaston Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390819 303552
Plan Printed	23.11.2011	Application Site Area	1015484m ²

- 3.2 09/00896/VV – Variation of conditions 6, 7, 8, 17, 18, 42, 46, 47, 48, 49, and 50 of planning permission 05/2027/OP/M (Comprehensive redevelopment of land to create a strategic employment area). Proposal to increase the amount of floor space permitted in the first phase of development from 15,000 sq.m. to 50,000 sq.m. Granted 31.03.2010.
- 3.3 05/2027/OP/M - Comprehensive redevelopment of land at Wobaston Road to provide a strategic employment area comprising offices, workspaces, industrial units, education and research, hotel, ancillary, services, open space and associated highways, footpaths and landscaping. Granted 28.03.2007.
- 3.4 05/2026/FP/M - Site preparation works comprising ground remediation, excavation to create development plots, provision of infrastructure and landscaping. Granted 05.07.2006.
- 3.5 04/0605/VV – Section 73 Application to carry out development without compliance with condition no.1 of Planning Permission 99/1169/VV for B1 (Business) development. Proposals to allow for an extension of the time limit for the implementation of development. Granted 05.07.2004.
- 3.6 99/1169/VV – Section 73 Application to carry out development without compliance with condition 8 of planning permission no. 94/0140/OP. Proposals to allow for an extension of the time limit for the implementation of development. Granted 04.10.2001
- 3.7 94/0140/OP – Industrial/research and office uses within Class B1, including ancillary development and infrastructure. Granted 21.01.1997.

4. Constraints

- 4.1 Authorised Process
Conservation Area
Landfill Gas Zones
Millennium Urban Forest
Junction Improvement Scheme - The Drove way and Wobaston Rd
Sites and Monuments
Defined Business Area

5. Relevant policies

- The Development Plan
- 5.1 Black Country Core Strategy (BCCS)
 - CSP3 Environmental Infrastructure
 - CSP4 Place Making
 - ENV1 Nature Conservation
 - ENV2 Historic Character and Local Distinctiveness
 - ENV3 Design Quality
 - ENV4 Canals
- 5.2 Wolverhampton's Unitary Development Plan
 - D6 Townscape and Landscape
 - D9 Appearance
 - D12 Nature Conservation and Natural Features
 - HE1 Preservation of Local Character and Distinctiveness
 - HE3 Preservation and Enhancement of Conservation Areas
 - HE4 Proposals Affecting a Conservation Area

N1 Promotion of Nature Conservation

Other relevant Policy Documents

5.3 PPS1 Delivering Sustainable Development

5.4 Regional Spatial Strategy Policies

PA7 Regional Investment Sites

PA8 Major Investment Sites

5.5 South Staffordshire Local Plan (1996)

E1 Premium Sites

GB4 Long Term Development Needs

GB5 Land Safeguarded Under Policy GB4

5.6 Staffordshire and Stoke on Trent Structure Plan (1996)

E5 Major Investment Site

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 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, an acceptable Environmental Impact Assessment was submitted with the previous outline applications. That environmental information is adequate to assess the environmental implications of the proposals. It describes the environmental impact of the development proposals and shows how potentially adverse impacts have been addressed in the planning and design of the scheme. It also highlights environmental benefits and environmental enhancement proposals included in the scheme.

7. Neighbour notification and publicity

7.1 No representations received.

8. Internal consultees

8.1 **Landscape** – No objection.

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications LD/25112011/H.

10. Appraisal

10.1 The key issues are the impact on visual amenity, nature conservation and the Staffordshire and Worcestershire Canal Conservation Area

10.2 The landscaping creates an attractive setting for the i54 site and the Staffordshire and Worcestershire Canal Conservation Area and the use of native species provides

wildlife habitat. The agent has confirmed that gaps in the hedge fronting Wobaston Road will be planted following completion of the construction of the Moog factory. This can be required by condition.

- 10.3 The landscaping proposals have a positive impact on visual amenity and the Conservation Area. Subject to the recommended condition the landscaping is acceptable and in accordance with UDP policies D6, D9, D12, HE1, HE4 and N1 and BCCS policies ENV1, ENV2 CSP3, CSP4, ENV1, ENV2, ENV3.

11. Conclusion

- 11.1 Subject to the recommended condition, the landscaping details are acceptable and in accordance with the Development Plan.

12. Recommendation

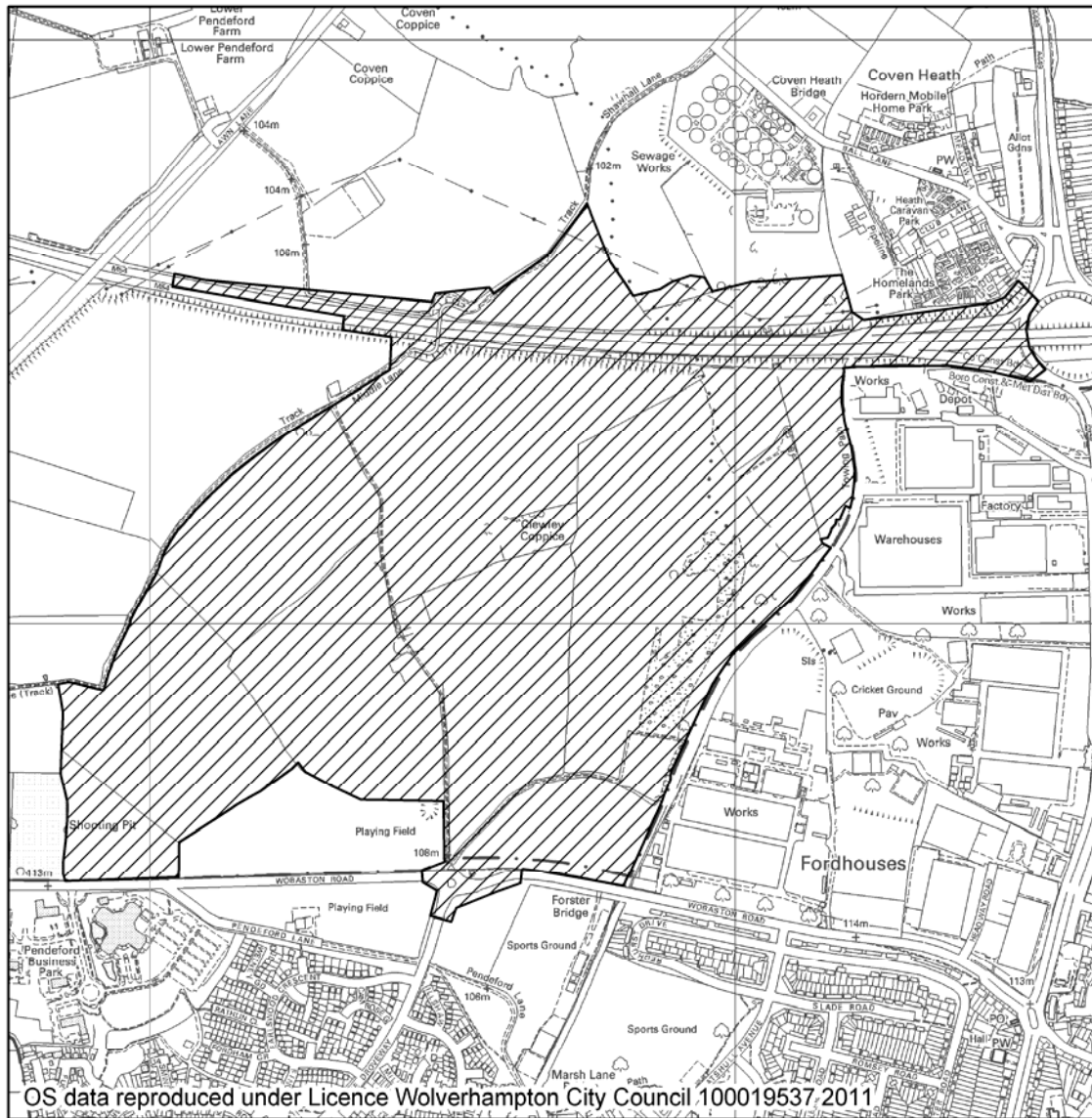
- 12.1 That planning application 11/00996/REM is granted subject to any appropriate conditions including the following:

- planting of gaps in the hedgerow adjacent to Wobaston Road.

Case Officer : Mr Phillip Walker

Telephone No : 01902 555632

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00996/REM

Location	154, Land Bounded By Staffordshire And Worcester Canal Lawn Lane M54, Wobaston Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391193 304426
Plan Printed	23.11.2011	Application Site Area	1015484m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 10/00972/FUL **WARD:** Bushbury North

DATE: 23-Aug-10 **TARGET DATE:** 22-Nov-10

RECEIVED: 23.08.2010

APP TYPE: Full Application

SITE: Moseley Hall Farm House, Moseley Road, Bushbury, Wolverhampton

PROPOSAL: Conversion and change of use of redundant agricultural buildings to twelve new residential units.

APPLICANT:

Mr David Guest And Mr D M Billings
Trustees of Moseley Hall Estate
BPE Solicitors
33 Bennetts Hill
Birmingham
B2 5SN

AGENT:

Mikki Karekar
Brownhill Hayward Brown
Georgian House
24 Bird Street
Lichfield
Staffordshire
WS13 6PT

COMMITTEE REPORT:

1. Introduction

- 1.1 This application was considered by Planning Committee on the 7th of December 2010. A copy of the previous Committee Report and Minutes are attached.
- 1.2 Committee delegated authority to grant permission subject to a S106 agreement to secure off-site public open space, public art and targeted recruitment and training.

2. Update

- 2.1 Following the Planning Committee meeting on the 7th of December 2010, the applicants, submitted a financial viability appraisal (FVA) to demonstrate that the scheme would not be sufficiently financially viable to provide public art or the off-site open space and play contribution. The FVA has been considered by the District Valuer, who confirms the point.

3. Appraisal

- 3.1 On the 11th of November 2009, a report to Cabinet endorsed a recommendation that a flexible and pro-active approach to planning obligations is taken, in response to the economic downturn.
- 3.2 In order to support and encourage this development, it is recommended that the requirement for an off-site open space and play contribution and public art waived on a pro-rata basis for all dwellings completed within three years of this Committee meeting, with the full requirement (pro-rata) for all dwellings that are not completed within that time.

3.3 The requirement for a targeted recruitment and training scheme would not impose any financial implications for the developer.

4 Recommendation

4.1 That the Interim Director for Education and Enterprise to be given delegated authority to grant planning application 10/00972/FUL, subject to:

(i) Completion of a Section 106 agreement to secure:

- public art and an off-site public open space and play contribution, on a pro-rata basis, for all dwellings not completed within 3 years of the date of this Planning Committee.
- Targetted recruitment and training.

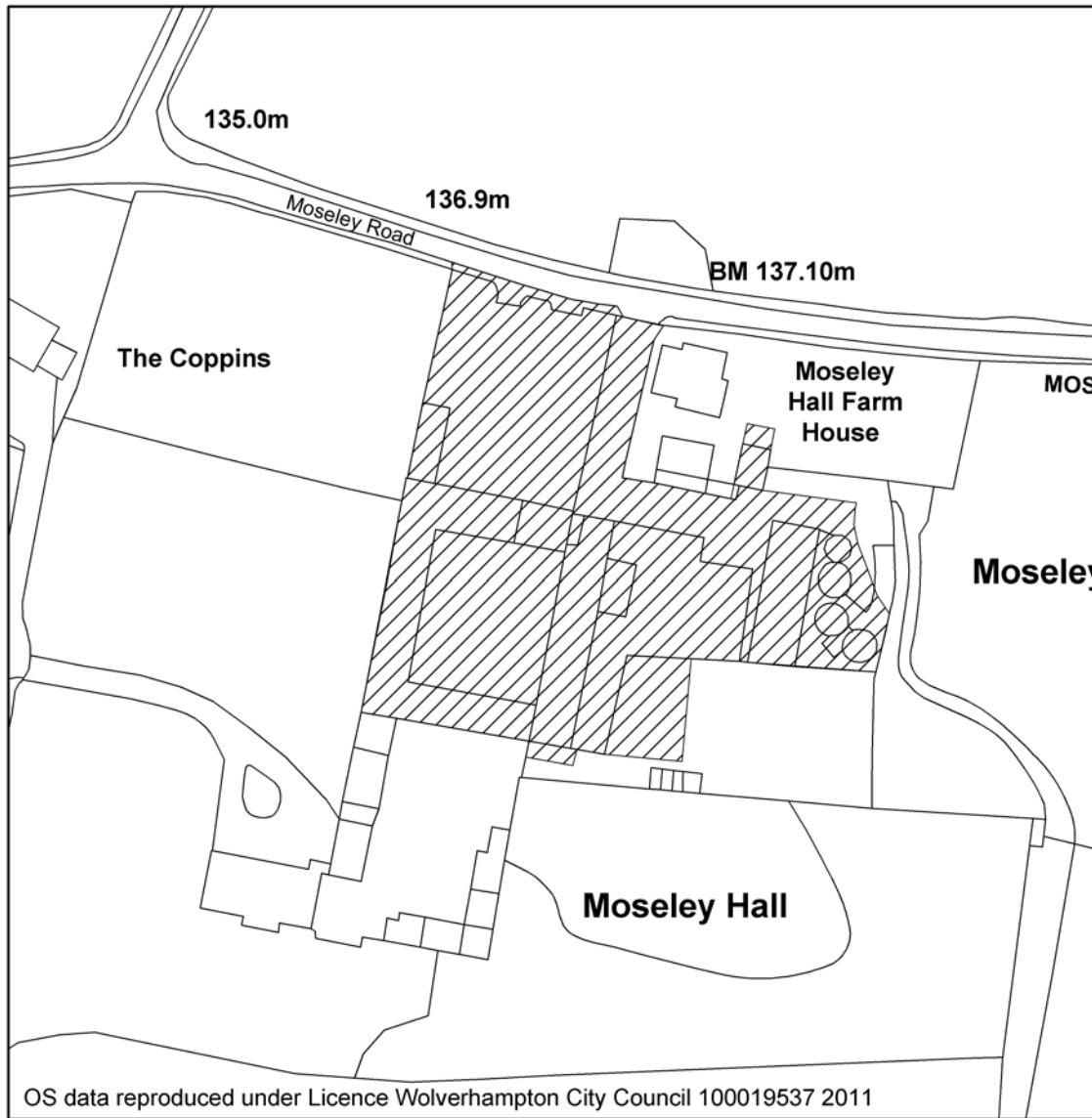
(ii) Any necessary conditions to include:

- Sample panel of materials – including roof tiles, bricks, mortar.
- Architectural Details – Roof lights, Joinery, windows, doors etc
- Landscaping Scheme
- Details of Boundary Treatment
- Drainage
- Car parking to be provided prior to occupation
- No external lighting without prior approval
- Details of cycle/motorcycle stores
- Bin stores
- No external meter boxes, vents, flues, aerials, satellite dishes etc without written approval.
- No extensions, gates, fences, walls or other means of enclosure (other than those shown on the approved plans)
- Maintain visibility splay
- Details of TV aerials and satellite dishes to be approved.
- Permitted development rights removed for extensions, outbuildings etc
- Targetted recruitment and training

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 10/00972/FUL

Location	Moseley Hall Farm House, Moseley Road, Bushbury, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393122 304064
Plan Printed	23.11.2011	Application Site Area	4367m ²

- 2.5 The barn complex is curtilage listed as a result of its association with Moseley Hall, a grade II* building. The barns themselves are in a relatively poor state of repair and are therefore rarely used for agricultural use. A large part of the roof of the northern block has collapsed. Some of the stables are still used intermittently whilst the sheds are occasionally used for storage.

3. Application Details

- 3.1 Two applications have been submitted, one for full planning permission, the other for listed building consent.

10/00972/FUL

- 3.2 The application proposes the conversion of redundant agricultural buildings to twelve dwellings comprising:-

- two-bedroomed houses
- three-bedroomed houses
- one-bedroomed apartments.

- 3.3 The area to the north of Block D would be utilised for parking (eleven spaces). A further eleven spaces are proposed to the east of Block A.

- 3.4 The scheme seeks to convert the historic structure only, there are no new build elements apart from the parking barn (which itself is on the footprint of an existing shelter) and the bin store

- 3.5 The existing access would be amended, moving approximately 13m to the west. The existing access would be reclaimed as green space.

10/00973/LBC

- 3.6 The application proposes the removal of twentieth century steel framed agricultural sheds and silos, limited removal of some internal walls including removal of brickwork to introduce glazed doors on the eastern range.

- 3.7 The courtyard would be cleared of the twentieth century livestock shed and reinstated as a shared courtyard for the new dwellings. The silos and sheds to the east will also be removed to create rear private amenity space and a parking area.

4. Planning History

- 4.1 10/00331/FUL - Conversion and change of use of redundant Agricultural buildings to fourteen new residential units. Withdrawn 25th June 2010.

- 4.2 10/00332/LBC - Removal of Twentieth century steel frame agricultural sheds and silos, removal of some internal walls including removal of brickwork to introduce bi-fold doors on eastern range. Withdrawn 25th June 2010

5. Constraints

- 5.1 Listed Building - : Moseley Hall (Grade II*)
Mining Areas
Sites and Monuments Entry

6. **Relevant policies**

6.1 **National Guidance**

PPS1 Delivering Sustainable Development
PPG2 Green belts
PPS3 Housing
PPS5 Planning for the Historic Environment
PPS7 Sustainable Development in Rural Areas
PPG13 Transport

6.2 **Wolverhampton's Unitary Development Plan**

D1 Design Quality
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
EP1 Pollution Control
EP3 Air Pollution
EP4 Light Pollution
EP5 Noise Pollution
EP9 Sustainable Drainage Arrangements for Development
HE1 Preservation of Local Character and Dist
HE2 Historic Resources and Enabling Dev.
HE13 Development Affecting a Listed Building
HE17 Develop. Affecting the setting of a LB
G1 Protection of the Green Belt
G2 Control of Development in the Green Belt
R7 Open Space Requirements for New Develop.
H1 Housing
H6 Design of Housing Development
H7 Conversion of Buildings from Non-Res to Res
H8 Open Space, Sport and Rec. Req. new Dev.
H9 Housing Density and mix
AM1 Access, Mobility and New Development
AM7 Travel Plans
AM8 Public Transport
AM9 Provision for Pedestrians
AM10 Provision for Cyclists
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security

Other relevant policies

6.3 Wolverhampton's Supplementary Documents

6.4 Black Country Core Strategy (publication document Nov 2009).

7. Environmental Impact Assessment Regulations

- 7.1 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.
- 7.2 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.

8. Publicity

- 8.1 One letter of objection has been received. The objection relates to the increase in the amount of traffic, specifically the potential impact of traffic on trees and hedgerows, the road surface and general amenity of the area.

9. Internal consultees

- 9.1 **Tree Officers** – There are no trees of merit on, or adjacent to, the site which are affected by the proposal.
- 9.2 **Historic Environment Team** – The scheme is acceptable subject to the approval of appropriate detailing and materials.
- 9.3 **Transportation Development** - The site is directly off Moseley Road which is a narrow semi-rural lane which links Northcote Lane to Cannock Road. Accessibility to public transport is poor because of the walking distance to the nearest bus stops on Northcote Lane. Walking and cycling are possible but are unlikely to be a popular choice for commuting due to road widths, traffic speed and lack of street lighting in the vicinity of the development. This suggests that any residential development at this location would be highly dependant on private vehicles.

Site Access/Visibility

- 9.4 The proposed access, 13m to the west of the existing access would be acceptable.
- 9.5 As the national speed limit applies to Moseley Road, visibility splays of 2.4 x 90m to the west and 120m to the east have been indicated on the submitted plans. The indicated splay to the west appears to cut through some dense undergrowth outside the site, but the applicant has stated that this area is in their control and the growth can be trimmed. The splay to the east still has a serious blind zone that could hide the approach of a motorcycle even though the boundary wall has been repositioned.
- 9.6 The edge of the carriageway should be defined with a white line physically marked on site.

Parking

- 9.7 The scheme would be expected to generate approximately 26 or 27 spaces compared to the 22 proposed.
- 9.8 The current site plan does not include any bays suitable for the disabled. At least one would be required to comply with policy AM12.

- 9.9 Motorcycle bays are indicated but poorly laid out. At least two suitable spaces should be provided.
- 9.10 Two cycle stores are now indicated, but no further details are provided. They should provide covered, enclosed and secure provision for at least 9 cycles.
- 9.11 The following issues should be addressed or conditioned:
- Provision and maintenance of visibility splays, in both directions, onto Moseley Road
 - Details of access to be agreed, including limit of highway adoption and physically marked
 - Provision of at least one bay suitable for the disabled
 - Details of parking bay allocation
 - Revised layout for motorcycle bays
 - Reversing distances within site
- 9.12 **Environmental Services** – The previous use of the land may have led to unacceptable levels of contamination. A site investigation should therefore be undertaken and submitted to the local planning authority. Any remedial measures considered necessary should be undertaken prior to the commencement of development.
- 9.13 **Planning Policy Section and Nature Conservation** – Comments awaited.

10. External consultees

- 10.1 **Police** - No objections to the proposal.
- 10.2 **Severn Trent Water Ltd** - No objection subject to a condition requiring the submission of a sustainable drainage strategy.
- 10.3 **English Heritage** - Do not wish to offer any comments on this occasion and consider that the application should be determined in accordance with national and local policy guidance.
- 10.4 **Fire Service** – Although there is unsatisfactory access for the fire service to some of the units, provided that a domestic sprinkler system is installed in all areas where fire service access cannot be achieved, then there are no objections to the proposal. This matter would be covered by Building Regulations.
- 10.5 **South Staffordshire District Council, Centro and Wolverhampton History and Heritage Society** – No comments received.

11. Legal Implications

- 11.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 11.2 Under Section 66 of the Planning (Listed Building 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 possesses [LC/16112010/Y].

12. Appraisal

12.1 The key considerations in determining this application are:

- Is the proposal appropriate development within the Green Belt?
- Acceptability of residential use
- Impact on the historic environment
- Design Quality
- Layout
- Scale, massing and architectural appearance
- Residential amenity
- Transportation
- S106 obligations

Is the proposal appropriate development within the Green Belt?

12.2 PPG2 'Green Belts' gives strong support to the principle of re-using existing buildings within the Green Belt. Paragraph 3.7 of PPG2 states that, "with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there" and that, "the alternative to re-use may be a building is left vacant and prone to vandalism and dereliction".

12.3 Annex C (paragraph C11) of PPG2 also states that, "suitable re-use is to be preferred to redevelopment where the buildings are of architectural or historic interest".

12.4 Paragraph 3.8 of PPG2 states that the re-use of buildings inside a Green Belt is not inappropriate development providing:

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it;
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings.

12.5 The proposed scheme accords with these criteria. In specific relation to criteria (c), although the buildings are deteriorating and in need of some significant repair work, it is not considered that major, or complete reconstruction is necessary. This is supported by a structural survey submitted with the application.

12.6 UDP policy G2 'Control of Development in the Green Belt' states that in addition to the criteria defined in PPG2, appropriate development will, "only be permitted where the siting, scale, materials and design of the proposed development.... will be in keeping with the purposes of the Green Belt and its openness".

12.7 The proposal does not represent inappropriate development and is supported in principle by PPG2 and UDP policy G2, subject to high quality design.

Acceptability of residential use

12.8 Paragraph 17 of PPS7 'Sustainable Development in Rural Areas' states that the re-use of appropriately located and suitably constructed existing buildings in the countryside is supported and whilst re-use for economic development purposes will usually be preferable, residential conversions may be more appropriate in some locations, and for some types of building.

- 12.9 UDP policy H7 'Conversion of Buildings from Non-Residential to Residential use' states that proposals for the conversion of non-residential buildings to residential use will be encouraged subject to compliance with the following criteria:
- Compatibility with other UDP policies;
 - Compatibility with adjacent land uses;
 - The creation of satisfactory living accommodation and an appropriate residential environment, including adequate private garden space; and
 - Proximity to public transport and other local facilities
- 12.10 These objectives are also supported by UDP policies H1 'Housing' and H3 'Housing Site Assessment Criteria'. Although the application site is not in close proximity to public transport and other local facilities, the development would maximise the use of previously developed land and would also be compatible with the adjacent land uses, which includes Moseley Hall and Moseley Hall Farm which are already in residential use.
- 12.12 The proposal would also comply with other Plan policies, specifically HE1 'Preservation of Local Character and Distinctiveness', HE12 'Preservation and Active Use of Listed Building', HE13 'Development Affecting a Listed Building' and HE14 'Alterations and Extensions to a Listed Building' which encourage the retention of historic buildings which are considered to be of importance.
- 12.13 Therefore, subject to high quality design and the creation of an appropriate residential environment, the conversion of the barns for residential use is considered appropriate and in accordance with UDP policies, H1, H3 and H7.
- Impact on the historic environment
- 12.14 The UDP, particularly policies HE1 'Preservation of Local Character and Distinctiveness', HE12 'Preservation and Active Use of Listed Buildings', HE13 'Development Affecting a Listed Building', HE14 'Alterations and Extensions to a Listed Building', HE16 'Demolition of a Listed Building and HE17 'Development Affecting the setting of a Listed Building' all encourage the preservation of listed buildings and curtilage listed buildings, their settings and features of special architectural and historic interest.
- 12.15 The complex of barns are curtilage listed as a result of their relationship with Moseley Hall, which itself is a Grade II* listed building. In principle, the conversion of the complex to residential use is to be welcomed, as a means of bringing the historic buildings into use and to prevent their eventual loss.
- 12.16 The previous application was withdrawn primarily due to concerns that proposal was not sensitive to the fabric of the historic buildings and their setting. Since the withdrawal of the application a number of discussions have taken place with the applicant about the proposed design.
- 12.17 Those issues previously raised concerning the loss of historic fabric, insertion of new openings and the subdivision and layout of the units have now been resolved and it is considered that the revised scheme is acceptable subject to appropriate detailing and materials.
- 12.18 The twentieth century livestock sheds are considered to be of very limited historic value and their demolition and removal is supported in enhancing the setting and reinstating the courtyard space at the heart of the barn complex.
- 12.19 The proposal would preserve the listed building and curtilage listed buildings, their setting and features of special architectural and historic interest. The scheme is in accordance with UDP policies HE1, HE12, HE13, HE14, HE16 and HE17.

Design Quality

- 12.20 Planning Policy Statement No.1 'Delivering Sustainable Development', states that, 'good design is indivisible from good planning' and that developments should create or reinforce local distinctiveness. It also states that good design should contribute positively to making places better 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.
- 12.21 This is supported by UDP policy D1 'Design Quality' of the adopted UDP which encourages all new development to be of a high quality which contributes to "creating a strong sense of place".
- 12.22 In order to determine whether the proposal has achieved a sufficient high quality design, it is necessary to consider its layout, scale, massing and architectural appearance. These are discussed in the following paragraphs.

Layout

- 12.23 No extensions to the barns are proposed. The courtyard arrangement of the complex has inherent qualities in defining the public and private realms which is required by UDP policy D5 'Public Realm', D10 'Community Safety' and SPG3 'Residential Development'
- 12.24 The area to the north of Block D would be utilised for parking (eleven spaces) a bin store and some cycle storage. Whilst this would be prominently visible from Moseley Road, subject to the use of high quality materials, the proposal would make good use of a currently underutilised space between the barns and Moseley Road. In addition, some of the car and parking spaces as well as the bin store would be incorporated within a timber framed and clad structure which would reduce the visual impact of the proposals in this location.
- 12.25 A further eleven car parking spaces, some motorcycle spaces and two smaller bin stores are proposed to the east of Block A. This area of the site is not prominently visible.
- 12.26 The other significant change to the existing layout is the relocation of the existing access, further west, away Moseley Hall farmhouse. The existing access would be grassed over. In design terms this would be acceptable
- 12.27 Overall, the proposed layout is in accordance with UDP policies D1, D5, D6, D10, H6 and SPG3.

Scale, massing and architectural appearance

- 12.28 UDP policies D1 'Design Quality', D9 'Appearance', HE1 'Preservation of Local character and Distinctiveness', HE13 'Development affecting a Listed Building', HE14 'Alterations and extensions to a Listed Building', HE17 'Development Affecting the setting of a Listed Building', H6 'Design of housing development' and SPG3 'Residential Development' encourage high quality design, particularly where the proposed development impacts on buildings of historic interest.
- 12.29 There is no increase in the scale of the existing barns as no extensions are proposed.
- 12.30 The proposed new structures (car barn and bin corrals) are single storey and have been designed in an agricultural style referencing the historic activity of the site and complementing the barns. This is considered appropriate.
- 12.31 Given that the majority of the proposal constitutes conversion, there is little impact on the existing appearance of the structures.

- 12.32 Repairs and restoration would be on a like-for-like basis, in materials sourced to match or reclaimed from the existing site. Traditional mortar will be employed and pigmented to match as necessary.
- 12.33 New openings have been minimised. Forty roof lights are proposed, but these would be set into the roof plan rather than sitting proud.
- 12.34 Similarly, where new glazed elements are proposed, they would be of a simple, minimalist, style. Where possible the frames would sit behind the original columns and be set back from the frontages so not to detract from the historic fabric of the buildings.
- 12.35 A number of detailed drawings have already been submitted illustrating how the historic fabric will be incorporated. However, further detailed drawings are required regarding such issues as joinery details, inserted floor structures and internal roof, wall and floor treatments.
- 12.36 Subject to necessary conditions, the scheme is in accordance with UDP policies D1, D9, HE1, HE13, HE14, HE17, H6 and SPG3.

Residential amenity

- 12.37 An objective of UDP policies D1 'Design Quality', H6 'Design of Housing Development' and SPG3 'Residential Development' is to encourage high quality designs which create suitable residential environments and protect the amenity of existing residents.
- 12.38 The proposed development respects the privacy, daylight and outlook from adjacent dwellings (Moseley Hall and Moseley Farm House) as well as preserving the amenities of potential occupiers.
- 12.39 Three of the dwellings (Block A) would have private gardens. Each would be approximately 140 square metres in size which is in accordance with the requirements of SPG3 and is therefore acceptable.
- 12.40 However, the layout of the site means that it is not possible for private gardens to be provided for the remaining dwellings. Instead, they would each have access to the communal courtyard with an area of approximately 780 square metres. Although the courtyard would not be totally private, the layout of the blocks means that it would be relatively secluded and would provide a meaningful and useful amenity space.
- 12.41 Unfortunately, the layout of the site has also meant that some of the dwellings are single-aspect. Single-aspect dwellings are not normally encouraged however, in this instance, it is an inevitable consequence of the conversion of the buildings into residential use. The relatively large size of the original windows, combined with the insertion of new rooflights would ensure that a good level of natural daylight can be enjoyed by future occupants.
- 12.42 The proposal is therefore acceptable and in accordance with UDP policies D1, H6 and SPG3.

Transportation

- 12.43 The objective of UDP policies AM1, AM9, AM10, AM12 and AM15 is to ensure that new development contribute towards an improvement in access and mobility whilst ensuring highway safety.
- 12.44 The transportation issues are detailed in paragraphs 8.3-8.11. There are no objections in principle to the proposal. However, it is necessary that the following issues are addressed before permission is granted or failing this, by conditions:

- Details of access to be agreed, including limit of highway adoption and physically marked
 - Provision of at least one bay for suitable for the disabled
 - Details of parking bay allocation
 - Revised layout for motorcycle bays
 - Reversing distances within site
- 12.45 The applicants have been made aware of these issues and amended plans are awaited.
- 12.46 Whilst it is agreed that the site has relatively poor accessibility to public transport and that therefore it is likely that future residents would be highly dependant on private vehicles, it is considered that the twenty-two car parking spaces, in addition to the motorcycle and cycles spaces which are proposed, is sufficient.
- 12.47 Paragraph 51 (2) of PPG13 'Transport' states that local authorities should, "not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances". In this case it is not considered that there are exceptional circumstances for requesting additional spaces or that there will be significant implications for road safety.
- 12.48 In addition, the proposed parking areas already take up a significant proportion of the development site. The provision of additional areas of hardstanding would begin to have a significant impact on the visual appearance of this rural location within the Green Belt and on the setting of the listed building and curtilage listed buildings.
- 12.49 For these reasons, the proposal is in accordance with UDP policies D1, AM1, AM9, AM10, AM12, AM15 and SPG3 subject to the resolution of those outstanding issues.
- S106 obligations
- 12.50 In accordance with UDP Policy H8, the building of ten or more dwellings requires the securing of an off-site contribution to create and/or enhance open space in order to offset the increased need for public open space in this area as a result of additional residents.
- 12.51 In this instance, for the size of development proposed, an off-site open space contribution of £50,180.97 is required to improve and enhance public open space in the vicinity of the application site.
- 12.52 In addition, for a development of this nature the agreement should ensure the provision of public art and targeted recruitment and training.
- 12.53 It is considered that these accord with requirement of Circular 5/2005 and that it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and thus compliant with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010.

13. Conclusion

- 13.1 The proposed development is considered to be appropriate development within the Green Belt and the use of the site for residential purposes is acceptable.
- 13.2 With regard to the design of the proposed scheme, the submitted proposal reflects considerable pre-application discussions with the applicant. The proposal would, subject to high quality detailing and materials, preserve the listed building and curtilage listed buildings, their setting and features of special architectural and historic interest.

- 13.3 The development would provide a good level of amenity to the potential occupiers whilst potentially improving the amenity of neighbouring residents by restoring buildings which are currently in a poor state of repair.
- 13.4 In relation to highway matters, it is considered that on balance the scheme is acceptable.
- 13.5 For all these reasons the proposal is considered to be in accordance with the development plan and therefore acceptable, subject to the resolution of outstanding matters and the negotiation of a S106 agreement.
- 13.6 It is considered that the proposed scheme accords with UDP policies D1, D3, D4, D5, D6, D7, D8, D9, D10, D11, EP1, EP3, EP4, EP5, EP9, HE1, HE12, HE13, HE14, HE16, HE17, G1, G2, R7, H1, H3, G6, H7, H8, H9, AM1, AM9, AM10, AM12, AM15 and SPG3.
- 13.7 The work proposed as part of the Listed Building Consent application would, subject to high quality detailing and materials, preserve the listed building and curtilage listed buildings, their setting and features of special architectural and historic interest and accords with UDP policies D1, D6, HE1, HE12, HE13, HE14, HE16 and HE17.

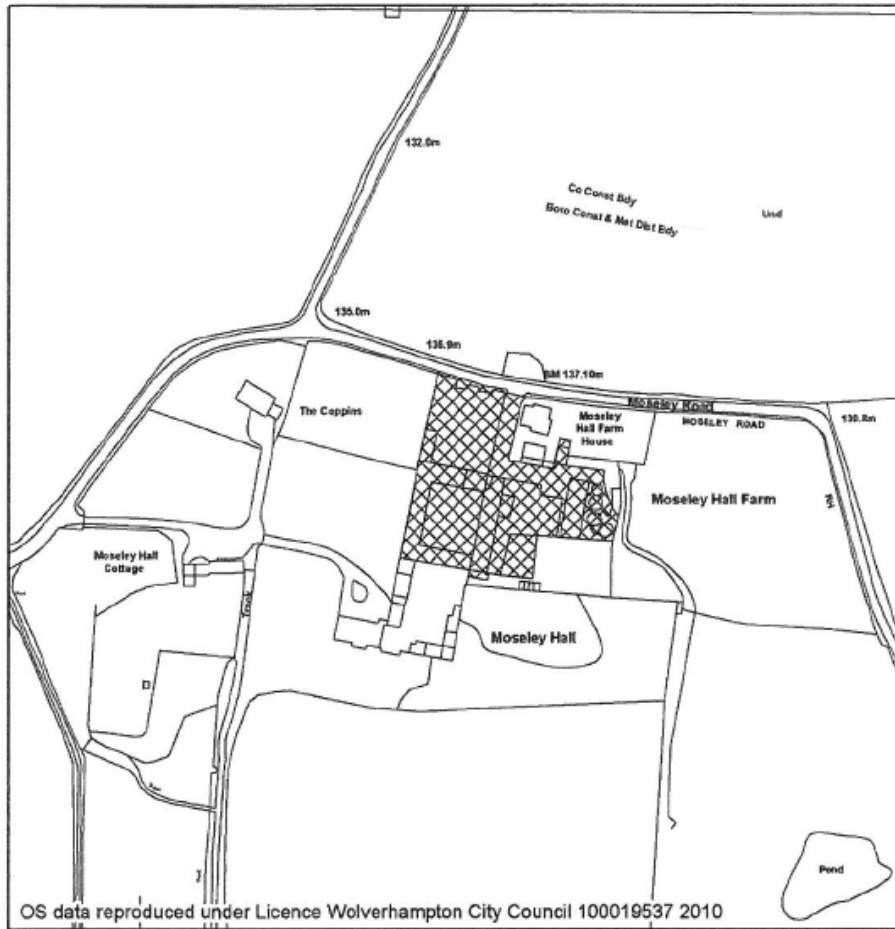
14. Recommendation

14.1 10/00972/FUL - Delegated authority to the Director for Regeneration and Environment to grant subject to:

- (i) Negotiation and completion of a S106 to secure a contribution towards off-site public open space, public art and targeted recruitment & training.
- (ii) Any necessary conditions to include:
- Sample panel of materials – including roof tiles, bricks, mortar
 - Architectural Details – Roof lights, Joinery, windows, doors etc
 - Landscaping Scheme
 - Details of Boundary Treatment
 - Drainage
 - Car parking to be provided prior to occupation
 - No external lighting without prior approval
 - Details of cycle/motorcycle stores
 - Bin stores
 - No external meter boxes, vents, flues, aerials, satellite dishes etc without written approval.
 - No extensions, gates, fences, walls or other means of enclosure (other than those shown on the approved plans)
 - Maintain visibility splay
 - Details of TV aerials and satellite dishes to be approved
 - Permitted development rights removed for extensions, outbuildings etc

13.4 10/00973/LBC - Grant subject to:

- Sample panel of materials – including roof tiles, bricks, mortar
- Architectural Details – Roof lights, Joinery, windows, doors, glazed screen walling, inserted floor structure, internal roof, wall and floor treatment, secondary glazing to existing windows etc



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Planning Application No: 10/00972/FUL & 10/00973/LBC

Location	Moseley Hall Farm House, Moseley Road, Bushbury, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 393122 304064
Plan Printed	23.11.2010	Application Site Area	4367m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00687/VV **WARD:** Blakenhall

DATE: 14-Jul-11 **TARGET DATE:** 13-Oct-11

RECEIVED: 13.07.2011

APP TYPE: Vary of Condition(s) of Previous Approval

SITE: 106 Birmingham Road, Wolverhampton, WV2 3NH

PROPOSAL: Variation of Condition 3 of Planning Permission 01/1625/FP to allow for the storage, display and retail sale of shoes.

APPLICANT:

Mr Simon Handslip
Hawkstone Properties (Wolverhampton) LLP
c/o Agent

AGENT:

Mr James Mumby
Pegasus Planning Group
5 The Priory
Old London Road
Canwell
Sutton Coldfield
B75 5SH

COMMITTEE REPORT:

1. Site Description

- 1.1 The site, 106 Birmingham Road, occupies a fairly prominent position, on a main arterial route into the city. It is located approximately 1.3km south of the City Centre and has an area of approximately 0.55 ha.
- 1.2 The premises have been unoccupied since January 2005. They were last used as a furniture showroom.
- 1.3 The northern part of the site is occupied by a free standing brick building, with quite extensive glazed curtain walling along the eastern and southern elevations. At the south-east corner of the building is a raised "tower" structure. Principal vehicular and pedestrian access is from Birmingham Road, although a secondary access is available from Cousins Street. The building has a gross internal area of 2,337 sq m (25,155 sq ft) and the car park has space for 87 vehicles.
- 1.4 To the west, the site adjoins small commercial premises but otherwise it is surrounded by residential properties. As the crow flies, the site is approximately 150 metres east of the Dudley Road/Blakenhall local centre. However, on foot the site is approximately 300 metres from the local centre. By car, the distance is considerably greater as a number of roads which previously connected Dudley Road and Birmingham Road have now been closed as through routes.

2. Application Details

- 2.1 The applicants state that a shoe retailer has expressed an interest in the premises, providing that the condition is amended to allow the sale of footwear. They have therefore submitted this application under Section 73 of the Town & Country Planning Act 1990 (to carry out development without complying with conditions attached to a previous planning permission) to 'vary' condition 3 to allow the sale of footwear.

3. Planning History

3.1 Permission was granted in 2001 for the “construction of a non-food retail unit and associated car parking and related works” (01/1625/FP).

3.2 Condition 3 of planning permission 01/1625/FP states:

“The goods to be sold from this site shall be restricted to the storage, display and retail sale of non-food goods only consisting of furniture, carpets, electrical goods and domestic appliances, paints, wall coverings, curtains, fabrics, floor coverings, tools hardware, light fittings, garden and leisure products, homecare and DIY, auto parts, spares and accessories and for no other goods or purpose without the prior consent of the local planning authority”.

3.3 The reason given for the inclusion of that condition was, “to protect the viability and vitality of existing retail centres in the City.”

3.4 In 2009 an application was submitted to remove condition 3 of the 2001 permission to allow food retailing (09/00831/RC). This application was refused, primarily due concerns about the impact of the proposals on Blakenhall local centre. The proposal was subsequently considered at appeal and the Inspector agreed that the proposal would have an unacceptable impact on the local centre.

4. Relevant Policies

4.1 National Planning Guidance

PPS1 Delivering Sustainable Development

PPS4 Planning for Sustainable Growth

PPG13 Transport

PPG24 Planning and Noise

4.2 Black Country Core Strategy

CSP1 The Growth Network

CSP2 Development Outside the Growth Network

EMP1 Providing for Economic Growth

CEN1 The Importance of the Black Country Centres for the Regeneration Strategy

CEN2 Hierarchy of Centres

CEN3 Growth of Strategic Centres

CEN4 Regeneration of Town Centres

CEN5 District and Local Centres

CEN6 Meeting Local Needs for Shopping and Services

CEN7 Controlling Out-of-Centre Development

TRAN2 Managing Transport Impacts of New Development

4.3 Wolverhampton’s Unitary Development Plan

SH1 Centres Strategy

SH2 Centres Uses

SH3 Need and the Sequential Approach

SH4 Integration of Development into Centres

SH5 Wolverhampton City Centre

SH11 New Retail Development Comp. Goods

CC1 City Centre Shopping Strategy

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.
- 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 **Transportation Development** - No objection in principle, however there are a few points of detail. Servicing should be restricted in order to minimise the risk of conflict between vehicles and customers. A one-way, clockwise circulatory pattern for the car park would minimise the chance of any queues backing up onto Birmingham Road. Cycle and motorcycle parking spaces should also be provided. Depending on the number of staff, a travel plan may be necessary.
- 7.2 **Environmental Services** - No objections.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. LM/23112011/S.

9. Appraisal

- 9.1 The key issues in determining the application are:
- Consistency with the Development Plan
 - Transportation
 - Residential amenity

Consistency with the Development Plan

- 9.2 The application site occupies an out-of-centre location. The applicant intends divide the building into more than one retail unit.. Such subdivision is not controlled by condition and would not require planning permission. The footwear retailer would occupy one unit.
- 9.3 Wolverhampton City Centre is exhibiting vulnerability with a number of vacant units which is a cause for concern. In addition, the application site is in close proximity to Blakenhall Local Centre, the vitality and viability of which is dependent upon a mix of convenience and comparison goods retailing.

9.4 Taking account of the time that the building has been empty and the potential for job creation (estimated at 24 full and part time jobs) extending the range of goods that can be sold to include footwear, would be acceptable, subject to conditions which would provide considerable flexibility to the applicant while offering protection to the vitality and viability of centres, in particular Wolverhampton Strategic Centre and Blakenhall Local Centre.

Transportation

9.5 There is no objection in principle. The detailed points raised by Transportation Officers could be conditioned. This would be justified on the basis of the extra traffic that the proposal would be likely to generate.

Residential Amenity

9.6 The site is in very close proximity to existing dwellings. However, the proposed sale of footwear would not have a detrimental impact on the amenity of neighbours.

10. Conclusion

10.1 The proposal would help to bring the premises back into economic use, with the resultant creation of jobs. Subject to the imposition of conditions it would not cause significant harm to established centres and would be in accordance with the development plan.

11. Recommendation

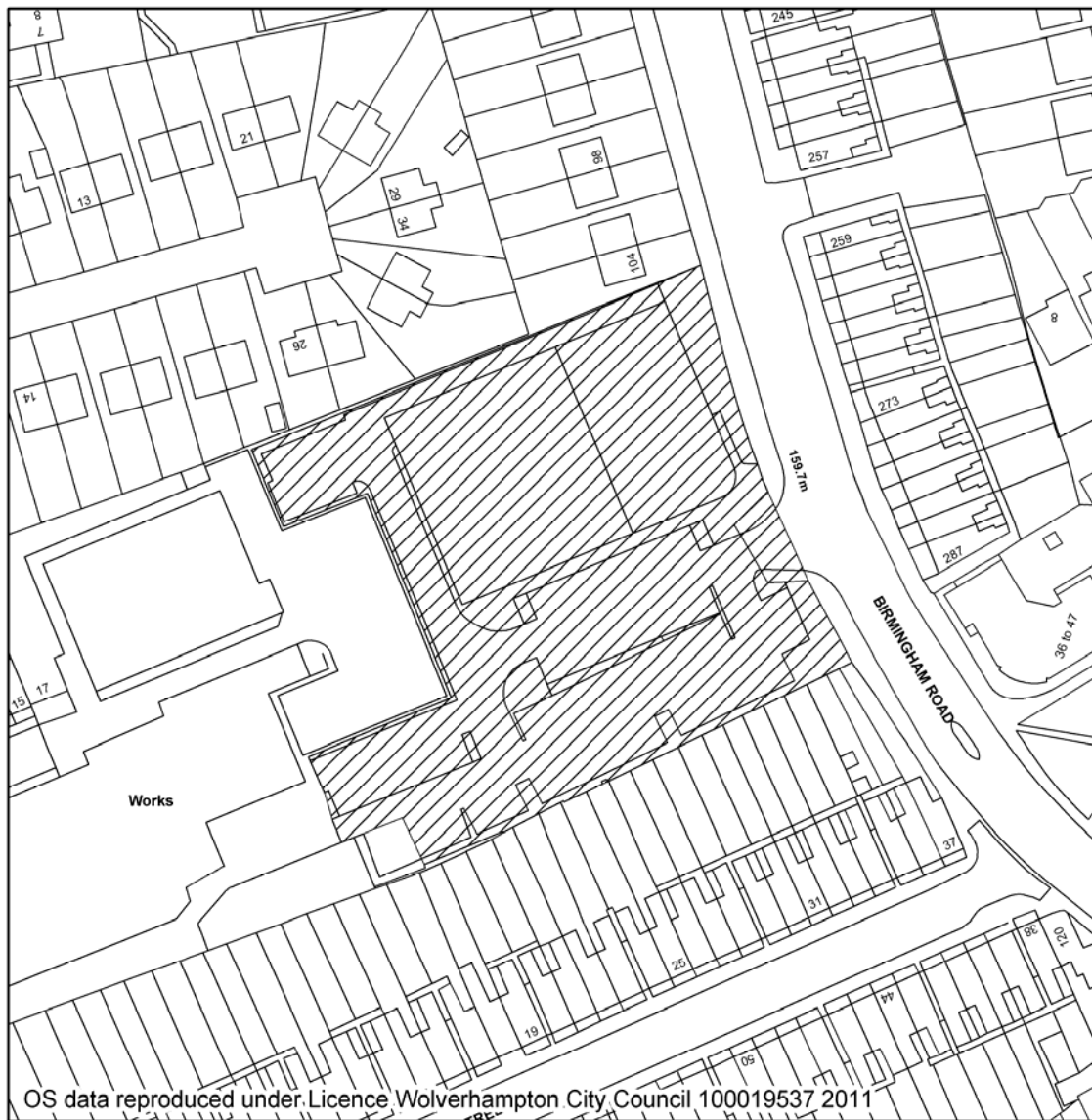
11.1 Grant, subject to the following conditions:

- The goods to be sold from this site shall be restricted to non-food goods only consisting of the following:
 - furniture;
 - carpets;
 - electrical goods and domestic appliances;
 - paints;
 - wall coverings;
 - curtains;
 - fabrics;
 - floor coverings;
 - tools;
 - hardware;
 - light fittings;
 - garden and leisure products;
 - homecare and DIY goods;
 - auto parts, spares and accessories;
 - footwear – only to be sold from a single, discrete retail unit with a minimum gross internal ground floor area of 510sq.m and a maximum gross internal floor area of 1,071sq.m including any mezzanine floors.
- Submission of delivery strategy
- Establishment of clockwise circulatory pattern for car park users
- Cycle and motorcycle parking
- Any relevant conditions from the existing permission

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00687/VV

Location	106 Birmingham Road, Wolverhampton, WV2 3NH		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391707 297342
Plan Printed	23.11.2011	Application Site Area	5482m ²

PLANNING COMMITTEE - 06-Dec-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 gateway 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 is trading as computer sales and repair business. 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 recently constructed shopfront was funded by an historic buildings grant.

2. Application Details

- 2.1 The application seeks planning permission for an external security shutter to be affixed across the width of the whole Shopfront including the recessed doorway. The shutter will have a punched lath design with aperture openings of 150mm x 55mm which will be regularly spaced at 20mm apart; the apertures will have a 2mm thick see-through polycarbonate infill.
- 2.2 The bottom of the shutter will have a 300mm solid kickplate above ground level. The shutter box and guide rails will be finished in a colour to match the existing shopfront.

3. Planning History

- 3.1 This application was deferred from the November Planning Committee to allow members to visit the site and to seek clarification on the type of shutter the applicant was proposing following the statement at Committee by the applicant that he no longer wanted a solid shutter but instead wanted an 'open-lath' style of shutter.

- 3.2 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.
- 3.3 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.

4. Constraints

- 4.1 Wolverhampton City Centre Conservation Area

5. Relevant Policies

The Development Plan

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

Other Relevant Policies

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

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 **Historic Environment Team** - The property is a building of historic interest situated within the City Centre Conservation Area.
- 8.2 In determining development proposals, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The proposed external roller shutter would neither 'preserve' nor 'enhance' the conservation area's character or appearance.
- 8.3 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 its present traditional shopfront with a recessed entrance lobby.
- 8.4 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*". If any conditions of the offer are breached, the applicant may be required to pay back all or part of the grant.
- 8.5 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.
- 8.6 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 shops with laminated/toughened glass together with internal shutters.
- 8.7 The proposed use of external shutters would have an adverse impact on the character and appearance of the Wolverhampton City Centre Conservation Area and would therefore be contrary to Council UDP policy.

9. External Consultees

- 9.1 **Wolverhampton Civic and Historical Society** – Awaiting response
- 9.2 **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.
- 9.3 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.

10. Legal Implications

- 10.1 General legal implications are set out at 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. [LC/24112011/D]

11. Appraisal

- 11.1 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

- 11.2 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 had not been installed and the doorway remained susceptible to attack during the disturbance. It has since been established that it is not physically possible to install the previously approved doorway shutter.
- 11.3 It should be noted that during the disturbances shops with and without external 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.
- 11.4 The Council policy urges the use of internal shutters and laminated glass as an effective and visually acceptable 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.
- 11.5 The applicant has stated his insurance company have said that external shutters would be desirable at the premises. He also states that without them his insurance premiums will be increased to an unviable level. However there are a substantial

number of other 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 at reasonable cost.

- 11.6 It is however accepted that in this case the applicant does retail and store high value IT goods such as laptops and other computer equipment, which could be particularly attractive to potential thieves. Council policy (SPG 5) on security shutters does recognise that in cases of high-value or otherwise 'high-risk' merchandise, external shutters of a specified design, may be acceptable on security grounds.

Shopfront Appearance

- 11.7 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 the existing traditional shopfront with a recessed entrance lobby.

- 11.8 The new shopfront is both attractive and historically accurate. Although the Applicant has submitted amended plans detailing a punched lath shutter to the design preferred by the Council in SPG 5, even this type of external security shutter would look out of context with and at odds to the traditional appearance of the shopfront. The shutter would also inevitably obscure the attractive shopfront from view when the shutter was closed adversely affecting the appearance of the streetscene.

The City Centre Conservation Area

- 11.9 When considering development within a conservation area the development must preserve or enhance all features which contribute positively to the character of the area. Higher standards of design are required from new developments in Conservation Areas. The proposed shutter fails this statutory test as it would appear as bulky and unnecessarily cumbersome feature materially harming the attractive shopfront. External security shutters have a harsh and foreboding appearance when closed. This in turn would adversely affect the Conservation Area. Consequently the proposal is contrary to UDP Policies HE5 and D10. Broad Street is one of the gateway approaches into the centre. It is in much need of improvement and the Council have been successful in securing gradually improved Shopfront designs and the removal of inappropriate shutters and other unacceptable items in the street on a case by case basis over many years. In particular, well publicised enforcement action was recently taken by the Council to physically remove external shutters from other shop fronts at No's 27, 29, 31 and 33 Broad Street.

- 11.10 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 thereby exempt from planning enforcement action. However the Council will continue to improve the appearance of the area and seek the removal of external shutters on a case by case basis, whenever the opportunity arises.

City Centre Vitality

- 11.11 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.

- 11.12 The use of external security shutters as a means of protecting shopfronts generates an 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 within the City Centre and other Conservation Areas. 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.

- 11.13. 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 this locality. 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.

12. Conclusion

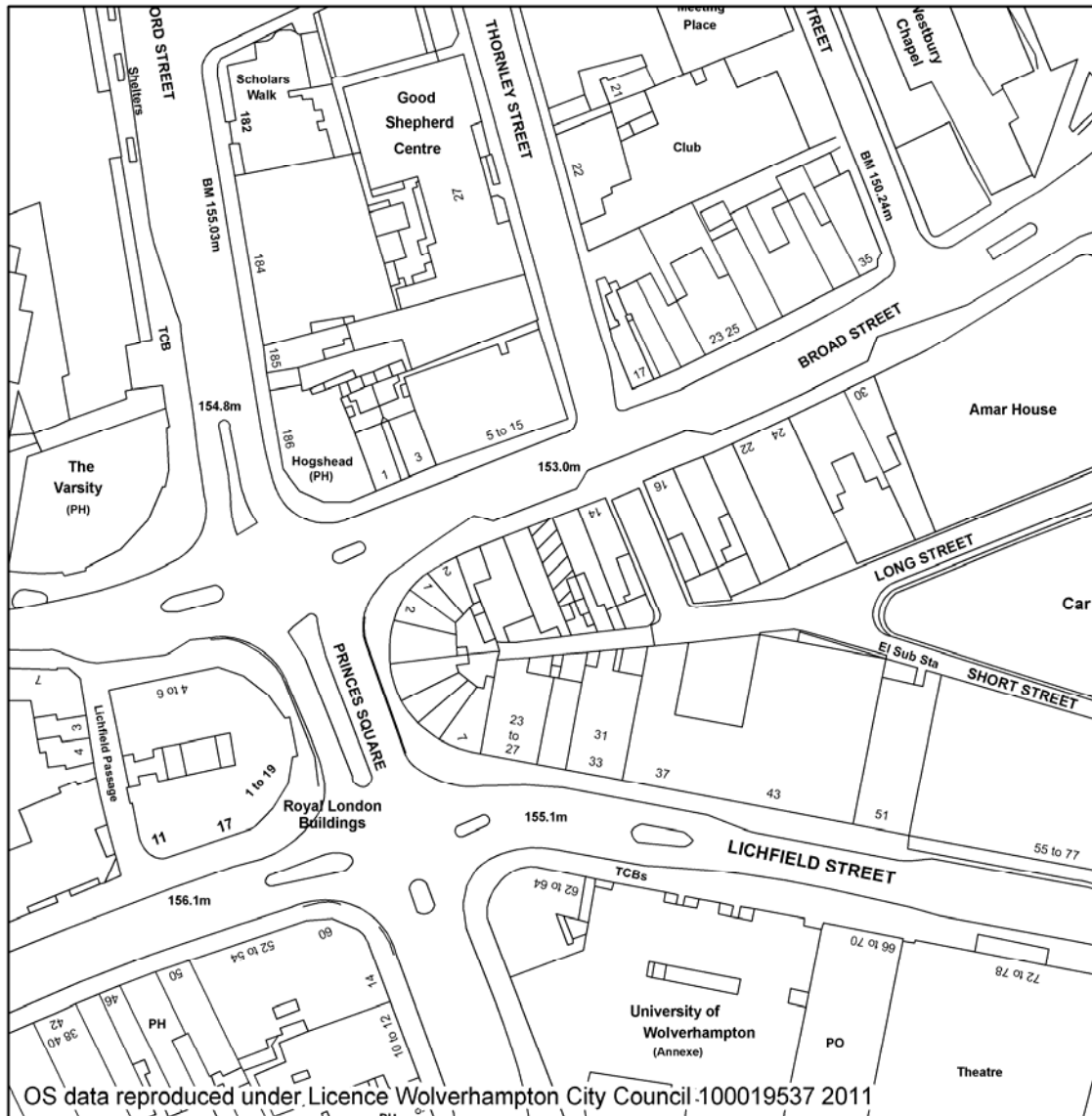
- 12.1 It is appreciated that the type of business operated and goods stored and sold by the applicant have particular potential to be attractive to criminal activity. Consequently the security of the application property is an important issue, however this consideration must be balanced out against 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. Whist therefore a case can be made under the terms of the guidance in SPG 5 for the use of appropriately designed external shutters at this premises due to the particular nature of the goods stored and sold, this case does not hold when measured against the Council's Conservation Area policies and government advice in respect of development in Conservation Areas, all of which require such development to 'preserve or enhance' the character of the Conservation Area. The use of this type of external roller shutter which when down obscures the traditional Shopfront and even when rolled up has a projecting roller box on the facia, cannot be said to preserve or enhance all features which contribute positively to the character of the Conservation Area.
- 12.2 The proposal is therefore contrary to BCCS Polices ENV3, CSP4, UDP Polices D9, HE5, and CC4

13. Recommendation

- 13.1 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



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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	23.11.2011	Application Site Area	57m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00933/FUL & 11/00938/LBC
WARD: Heath Town
DATE: 29-Sep-11
TARGET DATE: 24-Nov-11
RECEIVED: 29.09.2011
APP TYPE: Full Application and Listed Building Consent

SITE: Low Level Station Site Bounded By Sun Street, Wednesfield Road, Wolverhampton

PROPOSAL: Change of use to conference and banqueting facility with ancillary caretakers flat. The works include the realignment of the curtain wall to the rear elevation, erection of new entrance lobby, additional fencing to site perimeter and provision of external plant and bin enclosures.

APPLICANT:
Millgate Associates _ Helical Retail Ltd
C/O Agent

AGENT:
Mr M Bates
Tweedale
265 Tettenhall Road
Wolverhampton
WV6 0DE

COMMITTEE REPORT:

1. Site Description

- 1.1 The application relates to the former Low Level Station. The site is bounded by a residential development, off Broad Gauge Way, to the north and Wolverhampton High Level Station to the south. The residential development comprises of 208 apartments. Block A of this development begins approximately 14m from the rear elevation of the station building.
- 1.2 To the north-west there is an 81-bedroom hotel and a pub-diner. The site is to the north-east of the City Centre boundary and is accessed via Sun Street off the Wednesfield Road.
- 1.3 The former station is a Grade II listed building and has remained vacant since the closure of a parcel depot facility in the early 1980s.
- 1.4 In recent years the listed building has been carefully restored as part of a planning permission for the regeneration of the surrounding land. In respect of the listed building, the former station platform has been enclosed by a glazed curtain walling and the former ticket office ceiling has been restored.

2. Planning Application and Listed Building Consent details

- 2.1 A listed building consent and full planning application has been made to use the Low Level Station building as a banqueting suite and conference facility. It is proposed to utilise the enclosed platform space to create two banqueting halls to provide space for up to 700 guests. The larger hall would be approximately 889m² and the smaller hall to the south-east approximately 241m². The remainder of the building would provide ancillary space to these main functions.

- 2.2 It is proposed that the hours of operation would be 07.30 to 22.30 Monday to Friday for conference/exhibition use, with functions/banquets taking place between the hours of 12.00 and midnight. It is proposed that selected events, for example, during the Christmas and New Year period would operate until 02.00.
- 2.3 The proposed banqueting use would generally require the amplification of recorded or live music. The submission proposes the installation of acoustic linings to the roof, glazing and internal wall sections of the banqueting area. It is also proposed that a volume level and frequency-profile limiter will be installed requiring all music to be played through a single in-house amplification system to ensure sound levels can be controlled by the management of the banqueting facility. The application has, in this respect, been supported by an Environmental Noise Impact Assessment Report.
- 2.4 It is proposed to install a glazed canopy to the front of the building to provide a main entrance for visitors. External works also include the relocation of the glazed wall on the north-east elevation of the platform to enlarge the internal space of the banqueting area.
- 2.5 It is stated that the existing 82 parking spaces to the front of the building would be retained as part of the proposal.
- 2.6 Other works include the continuation of the Great Western railings along the southern boundary of the site to enclose the parking forecourt. The pedestrian walkway from the high level station to Sun Street would be unaffected. It is also proposed to provide a caretaker's flat at 1st floor.
- 2.7 The proposal would generate 5 full time and 50 part time jobs.

3. Planning History

- 3.1 06/01247/FUL for Change of use of existing station buildings including external and internal alterations and car park also included are mixed use facilities incorporating A1,A3, A4, B1,D2 and Casino uses - Granted, dated 22.12.2006.
- 3.2 06/01248/LBC for Refurbishment of existing station building including external and internal alterations and proposed associated car park - Granted, dated 04.06.2007.
- 3.3 05/0728/LB/C for Restoration and refurbishment of Low level Station, A Grade II Listed Building, including specified limited demolitions - Granted, dated 22.03.2006.
- 3.4 05/0494/FP/M for Mixed Use scheme including residential, hotel, car showroom, pub/diner, A1/A3 (retail/food and drink) and offices - Granted, dated 22.03.2006.

4. Constraints

- 4.1 Union Mill Conservation Area
Grade II Listed Building
Mining Advice Area

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

HE4 - Proposals Affecting a Conservation Area

HE5 - Control of Development in a Con. Area

HE12 – Preservation and Active Use of Listed Buildings

HE13 – Development Affecting a Listed Building

HE14 – Alterations and Extensions to a Listed Building

AM12 - Parking and Servicing Provision

AM15 - Road Safety and Personal Security

Black Country Core Strategy

CSP4- Place Making

TRAN1 – Priorities for the Development of the Transport Network

TRAN2 – Managing Transport Impacts of New Development

ENV2 Historic Character and Local Distinctiveness

ENV3 – Design Quality

Other relevant policies

5.2 PPS1 – Delivering Sustainable Development

PPS5 – Planning for the Historic Environment

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 Three letters of representation were received raising objections on the following grounds;

- Noise disturbance
- Inadequate parking facilities
- Detrimental impact on residential amenity

8. Internal Consultees

- 8.1 **Historic Environment Team** – No objection subject to conditioning of internal/external details to include fixture methods, new doorways, lift installation, canopy entrance, railings and boundary walls.
- 8.2 **Transportation Development** – No objection subject to the inclusion of conditions for a car park management strategy including details of coach/Taxi drop-off. However it is considered that the proposed perimeter railings could have a negative effect on pedestrian and cycle movements.
- 8.3 **Environmental Services** - No objections subject to the inclusion of appropriate conditions controlling the hours of use, limits to the level of amplified music as set out in the submitted noise report and acoustic insulation implemented in accordance with submission. Also conditions are required for a scheme of sound insulation to managers flat and details of plant and machinery.
- 8.4 **Building Control** – No objections

9. External Consultees

- 9.1 **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 Listed Building consent is required to any works for the demolition of a listed building, or for its alteration or extension which is likely to affect its character as a building of special architectural or historical interest. S16 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that where permission is granted it can be granted subject to conditions and further detailed in S17 (1) . In considering application S16 (2) of the Act provides that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 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. [LC/24112011/C]

11. Appraisal

- 11.1 The key issues are: -
- Economic Prosperity
 - Noise disturbance
 - Listed building
 - Access and parking

Economic Prosperity

- 11.2 The proposed use would generate significant investment into one of the city's most historically important buildings. After remaining vacant for approximately 30 years the proposal would help secure the building's long term future. The proposed use would also create an equivalent of 30 full time jobs. The development is therefore vital to the continued regeneration of the Low Level Station site and would generate a significant number of (mostly part time) jobs suitable for local workers and has spin-off benefits for other businesses in the city; the proposal is therefore in accordance with BCCS policy CSP1 and EMP1.

Noise disturbance

- 11.3 The Low Level Station building is approximately 14m south of the residential development off Broad Gauge Way. As the proposed use would provide 'regulated' entertainment in the form of live or recorded music and other electronically amplified sound, there is the potential for noise disturbance to residents living in proximity to the building.
- 11.4 The application is however supported by a noise impact assessment and recommended acoustic insulation measures to the platform enclosure where the banqueting hall will be located. At the request of the Council further noise assessment calculations have been undertaken by the acoustic engineers. These have satisfactorily demonstrated that the proposed acoustic insulation measures would protect residential amenity to a satisfactory degree providing pre-set sound levels and frequency profiles are strictly maintained by the management.
- 11.5 The applicants are proposing to install a sound limiting system to ensure that they can restrict the volume of any sound output. It is proposed that all forms of entertainment will be required to use the in-house sound system therefore preventing any amplified sound from exceeding the agreed and appropriate levels.
- 11.6 The applicants have sought a licence ("Premises Licence") under the Licensing Act 2003 to operate the venue until 00.30 am Monday to Sunday and this licence also permits regulated entertainment until between 00.00 to 00.30am Monday to Sunday. The Licensing Act 2003 permits extension of permitted licensed hours and/or activities via temporary event notifications authorised by the Licensing Authority. The number of these 'special events' are restricted and controlled by the provisions of the Licensing Act 2003. This would potentially allow the venue to operate later on those occasions. Clearly when considering a planning application regard should be confined to proper planning considerations as outlined at the start of the schedule to these applications. However, it is the case that the existence of a Premises Licence is capable of being a material consideration. However, members should be any decision of the Licensing Authority. Therefore, having regard to the appropriate matters a condition should be applied restricting the use of the banqueting halls to between the hours of 09.00 – 02.00 Monday to Sunday. This will allow the building to be used for 'special events' but the 'normal' events will finish at midnight as controlled by the entertainments licence.
- 11.7 It is proposed that the operational aspects in respect of noise levels can therefore be best regulated by the Premises Licence rather than as planning conditions.
- 11.8 Subject to the inclusion of appropriate conditions controlling the hours of use, the use of the sound limiting system (with actual noise levels set and regulated via the entertainments licence) and the implementation of the acoustic insulation measures, it is considered that the proposed use can operate without having a significantly adverse impact on the neighbouring residential properties and would be in accordance with UDP policy EP1 and EP5.

Listed building

- 11.9 The grade II listed former Low Level Station building has been vacant for a considerable period of time and therefore an occupier is essential to secure the long term future of the building. The last planning consent for its use as a casino was not implemented. This proposal is considered to be appropriate for the building and the use would enable its special architectural and historic qualities to be preserved and seen by more people. The works proposed involve the removal of a modern mezzanine floor from the former Booking Hall, this alteration is welcomed as it will better reveal architectural qualities of the space which has only recently been carefully restored.
- 11.10 It is proposed to locate any plant and machinery internally with externally protruding flues to be sited behind the platform roof to minimise their visual impact. A glazed entrance lobby is proposed to the front of the building; the principle of this is accepted. Details in both respects shall be conditioned.
- 11.11 The type of use proposed requires a large open internal space which is appropriate for the enclosed platform space. Therefore the proposed use is well suited and would respect the architectural and historic significance of the building. The delivery of this proposed use would provide this historically important with a long-term occupier to secure the buildings future. The proposal would there be in accordance with UDP policy HE4, HE12, HE13 and HE14.

Access and parking

- 11.12 The site is identified as being highly accessible given its City Centre location and close proximity to rail and bus stations. It is proposed to utilise the existing 82 car parking spaces in the building forecourt. The site is also conveniently accessible from large car parks in the city centre.
- 11.13 It is acknowledged that a significant number of visitors will be visiting the premises particularly when the banqueting facility is used to its capacity. Therefore the management of the guests and visitors in respect of access and parking is essential to the successful operation of the site. To ensure that this is satisfactorily achieved the need for a car park management strategy shall be conditioned.
- 11.14 Subject to the inclusion of the necessary condition referred to above the proposal is satisfactory in respect of UDP policies AM12, AM15 and BCCS policy TRAN2.

12. Conclusion

- 12.1 The proposal would bring significant investment to the listed Low Level station building which should secure its long-term future. This is particularly significant given that it has remained unoccupied for approximately 30 years. The proposed use would also generate the equivalent of 30 full times jobs. The investment and job creation is welcomed by the City.
- 12.2 The development and use proposed are appropriate in principle. The proposed scheme retains much of the original layout and therefore largely respects the architectural and historic features of the building. The use and occupation of the building would bring a historically and architecturally important building back into use.
- 12.3 The applicant has provided sufficient information to demonstrate that with the proposed acoustic insulation measures, proactive management and effective use of sound limiting equipment, the proposed banqueting use would not have a significantly adverse impact on the neighbouring residential flats.

12.4 The application site is in a highly accessible location due to its City Centre location and proximity to rail and bus station. The parking provision on site and within local city centre car parks would be sufficient to meeting parking demands.

13. Recommendation

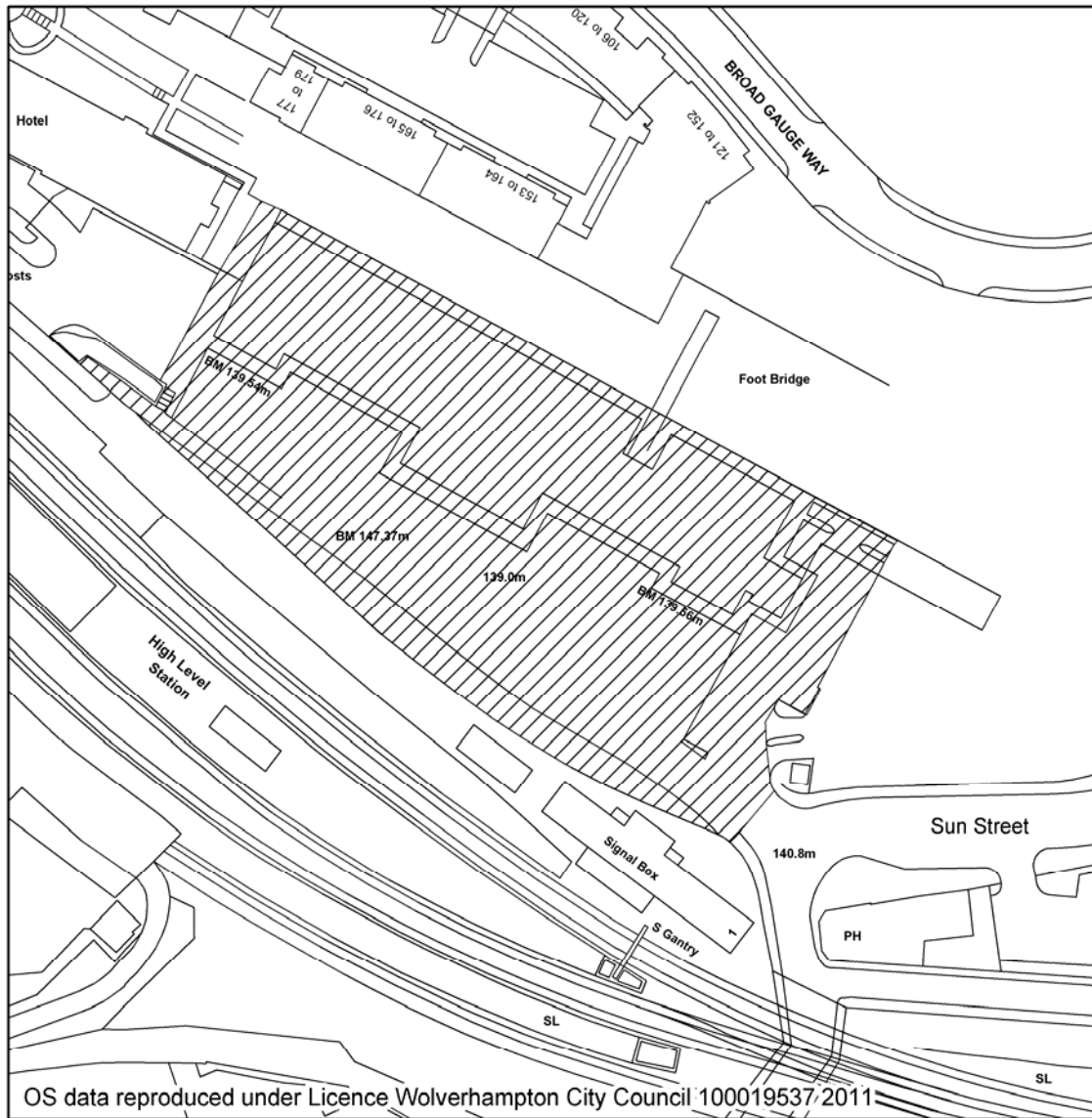
13.1 That planning application 11/00933/FUL & listed building consent application 11/00938/LBC be granted with the following conditions included;

- Joinery and fixture details and other specific works in the listed building
- Details of glazed lobby
- Bin store details
- Plant, machinery and flue details
- Car park management strategy
- Boundary railings
- Amplified sound only ancillary to approved use
- Acoustic insulation in accordance with details submitted
- In-house amplification with sound-limiting system to be used only
- Hours of use for function room/banqueting hall 09.00-02.00
- Plant and machinery noise levels and acoustic treatment
- Details of any new external lighting
- Scheme of sound insulation for caretakers flat
- Scheme of cooking odour control
- Restrict use to as proposed
- No parking to the paved area in front of the main access

Case Officer : Mr Mark Elliot

Telephone No : 01902 555648

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00933/FUL & 11/00938/LBC

Location	Low Level Station Site Bounded By Sun Street, Wednesfield Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392074 298910
Plan Printed	23.11.2011	Application Site Area	6628m ²

- 3.5 10/01018/DWF for Renewal of existing planning permission for a park and ride car park - Granted, dated 10.12.2010.

4. Relevant Policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan
AM8 – Public Transport
AM12 - Parking and Servicing Provision

Black Country Core Strategy

- 4.2 TRAN1 – Priorities for the Development of the Transport Network
TRAN5 - Influencing the Demand for Travel and Travel Choices
ENV3 – Design Quality
EMP1 - Providing for Economic Growth
EMP2 - Actual and Potential Strategic High Quality Employment Areas
EMP3 – Low Quality Employment Areas.

Other relevant policies

- 4.3 PPS1 – Delivering Sustainable Development

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 **Transportation Development** – No objection.
7.2 **Planning Policy Section** – No objection.

8. Legal Implications

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

(LD/23112011/F)

9. Appraisal

- 9.1 The key issue is the continued use of the site with a permanent (instead of temporary) planning permission.
- 9.2 The site is located close to the Stafford Road, a main arterial route into the City Centre, and therefore is ideally located to serve as a park and ride facility. The use of the land therefore supports the principle of UDP policy AM8 and BCCS policies TRAN1 and TRAN5.
- 9.3 The site is identified as future employment land and therefore to protect the future redevelopment of the site a number of temporary planning permissions for the existing use have been granted since 2002. Consequently this has resulted in the submission of five separate planning applications.
- 9.4 Although the site is identified as future employment land there are no immediate proposals for its redevelopment. It is not considered that a full permission would impinge on the potential redevelopment of the site as the land is largely owned by the local authority. A full permission would also prevent the need for future temporary permissions to be given which does incur cost and time.

10. Conclusion

- 10.1 The existing park and ride facility currently provides an important facility to help reduce demand on parking in the city centre and encourages travel by sustainable modes of transport.
- 10.2 Although the site is identified as a future employment land there are no immediate proposals for its redevelopment and it is not considered that the continued use of the land for car parking would impinge on its redevelopment potential.

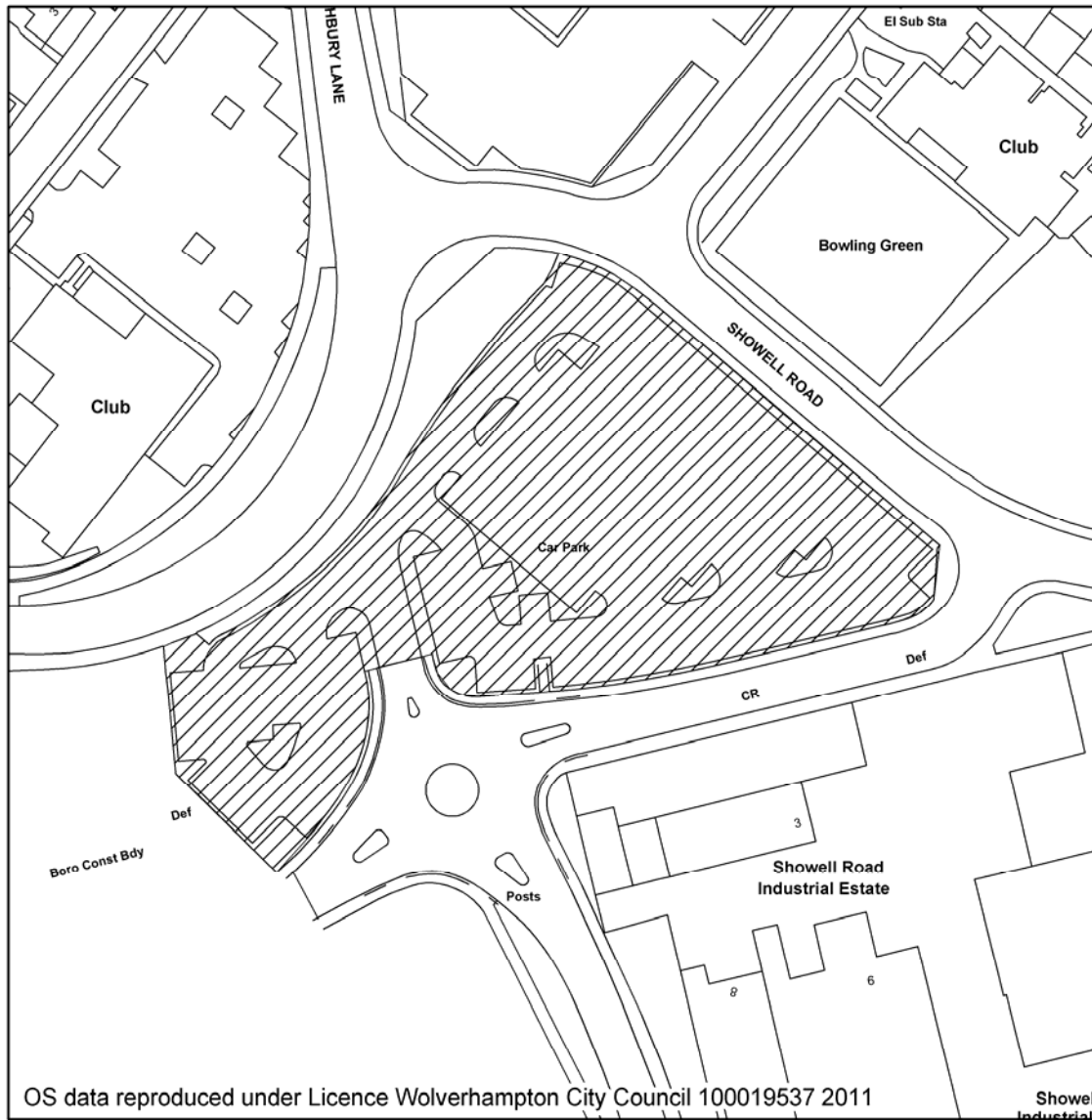
11. Recommendation

- 11.1 That planning application 11/01025/DWF be granted planning permission.

Case Officer : Mr Mark Elliot

Telephone No : 01902 555648

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/01025/DWF

Location	Park And Ride, Showell Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391441 300747
Plan Printed	23.11.2011	Application Site Area	5802m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 10/00815/FUL & 10/00826/LBC
WARD: Blakenhall
DATE: 13-Aug-10
TARGET DATE: 08-Oct-10
RECEIVED: 19.07.2010
APP TYPE: Full Application and Listed Building Consent

SITE: Guru Teg Bahadur Sikh Temple, Upper Villiers Street, Wolverhampton
PROPOSAL: First floor rear extension to provide prayer hall and wedding registrars office.(Amended plans received)

APPLICANT:
Guru Teg Bahadur Sikh Gurdwara
C/O Agent

AGENT:
Mr Karam Chana
Karam S Chana
Sallanches
7 Bracebrige Road
Four Oaks Park
Sutton Coldfield
B74 2SB

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is the former Automotive House, built in 1905/06 "...the first built works of the Sunbeam Motor Car Company and one of the earliest car factories in England." (ref: list description). The building is listed for both its architectural and historic significance. The building is currently used as a Sikh Temple which English Heritage considers "makes a good and effective use of its internal space."
- 1.2 The listed building comprises a three-storey front range, formerly the offices and showrooms of the Sunbeam Motor Car Company with a nine bay single-storey, north-light workshop range to the rear. The application site includes only four of the rear bays, the remainder, although in the same ownership, are in uses not associated with the place of worship.
- 1.3 The application site is situated in a mixed use area comprising industrial units and residential properties with the Cross Street South residential scheme development abutting the rear of the site.

2. Application details

- 2.1 The application is for the demolition of the first four bays of the single storey, rear workshop range and their re-building in the form of a three bay two-storey extension, reusing the original roof trusses.
- 2.2 The proposal comprises a two storey rear extension, which will be separated from the frontage building by retaining that part of the existing single storey range, with a link through at first floor level. The scale of the proposed extension would thereby remain in appearance subservient to the frontage building. The proposed scheme would result in the rebuilding of a substantial part of the workshop range.

- 2.3 The proposed form and detailing of the extension draws its inspiration from the existing 19th century industrial buildings, replicating the saw-tooth roof profile, which is characteristic of the area.

3. Planning History

- 3.1 01/0987/LB for Change of use of sports hall to dining area and prayer hall, Granted dated 04.12.2001.
- 3.2 01/0986/FP for Change of use of sports hall, internal car park, to dining area and prayer hall and associated internal alterations, Granted dated 04.12.2001.
- 3.3 C/1050/93 for Change of use to day centre for the elderly, indoor games rooms, language classes for local Sikh community and religious prayer halls, Granted dated 26.11.1993.

4. Constraints

- 4.1 Listed Building

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
D13 - Sustainable Development Natural Energy
EP1 - Pollution Control
HE1 - Preservation of Local Character and Dist
HE12 - Preservation and Active Use of Listed Buildings
HE13 - Development Affecting a Listed Building
HE14 - Alterations and Extensions to a Listed Bldg
HE16 - Demolition of a Listed Building
HE17 - Develop. Affecting the setting of a LB
C1 - Health, Education and Other Community Ser
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
- Other relevant policies
- 5.2 PPS1 – Delivering Sustainable Development
PPS5 - Planning for the Historic Environment
- Wolverhampton's Supplementary Documents
- 5.3 SPG6 - Places of Worship
Black Country Core Strategy
- 5.4 CSP4 - Place Making
ENV2 - Historic Character and Local Distinctive
ENV3 - Design Quality

5.5 Regional Spatial Strategy for the West Midlands

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 Historic Environment

The comments from the Historic Environment team have been detailed in paragraph 11 'Appraisal'.

8.2 Transportation

An additional 50 spaces will be provided off Moorfield Road (private road) with the consent of the landowners. These spaces are used weekdays for industrial users but are available at weekends for the congregation of the Sri Guru Teg Bahadur Sikh Temple to park on. This will be largely used for coach parking. In order to achieve this, it is considered that an agreement for the use of third party land is attached to any consent to deem the proposal acceptable.

8.3 Environmental Services

The comments require operational hours, including commercial vehicle movements to or from the site to be restricted during the construction and demolition phase of the development, in order to protect residents amenities.

9. External Consultees

9.1 Ancient Monument Society

No adverse observations

9.2 Georgian Group

No comments received.

9.3 Joint Committee of The National Amenity Societies

No observations.

9.4 Society for The Protection of Ancient Buildings

No comments received.

9.5 **Twentieth Century Society**

No comments received.

9.6 **Victorian Society**

The society objected to the proposal originally submitted as a result of the building being notable for its historic importance as one of the earliest car factories in England. The architectural expression of this is the contrast between the grand frontage office and showroom and the low north-light workshop behind. The proposal was considered to destroy this relationship. The north-light roofs, with their strutted trusses, were to be lost in this original scheme. Apart from the elements of the façade walls, the workshop would be destroyed, and thus much of the historic interest of the building would be lost.

9.7 The Society considered the proposal to be unacceptable and given the fact that there is undeveloped land adjacent the building, some of which is used for car parking for the temple, the Society felt that the feasibility of a separate building should be explored in order to meet the temple's accommodation needs.

9.8 The Society feels that the original proposal which proposed the roofline to the extension, mimicking the roofline of the front range of the building, would be misconceived. As the contrast between the rear range and the front range is intrinsic to the historic interest of the building, if a rear extension is granted permission its roof form should mirror that of the existing north-lights. The Society recommended the application be refused.

9.9 However as a result of further discussions with the Historic Environment Team and Planning Officers, the proposal has subsequently been amended and the Victorian Society was reconsulted. No comments in respect of the amended scheme were received.

9.10 **English Heritage**

The comments received on the original submission state that there are no objections in principle to extending the listed building to allow for the growth in the Temple's activities. However they did not support erecting an additional storey over the saw tooth roofed workshop to the rear as they considered this would seriously harm an important part and expression of the original purpose and function of the listed building.

9.11 The proposal has since been amended with advice from the Historic Environment Team and Planning Officers and the revised English Heritage comments state that they now recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own expert conservation advice.

9.12 **Wolverhampton Civic and Historical Society**

No observations received.

10. Legal Implications

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

10.2 Listed Building consent is required to any works for the demolition of a listed building, or for its alteration or extension which is likely to affect its character as a building of special architectural or historical interest. S16 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that where permission is granted it can be granted subject to conditions. In considering an application S16 (2) of the Act

provides that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
[LD/28112011/B]

11. **Appraisal**

11.1 The key issues are: -

- Impact on the Listed Building
- Community Benefits
- Highway Matters

Impact on the Listed Building

- 11.2 The proposal has been considerably amended as a result of discussions with the applicants, officers in Historic Environment and Development Control and the assessment is on the amended proposal. English Heritage now considers that the proposal can be considered on national and local policy guidance and with the expert advice from the Council's own Historic Environment Team.
- 11.3 The principal issue is the impact of the proposed demolition and the rebuilding at two-storey height of the rear north-light bays on the character of the listed building. The assessment can be summarised as follows.
- 11.4 The building is of national importance as an early example of a purpose-built car factory. The workshop range was an integral part of the factory, where production was carried out and is therefore important to the special interest and significance of the listed building.
- 11.5 Planning Policy Statement (PPS) 5 'Planning for the Historic Environment' states "There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated asset, the greater the presumption in favour of its conservation should be."
- 11.6 Any harmful impact on the significance of a heritage asset needs to be justified on the grounds set out in PPS5 HE9.2 or HE9.4
- 11.7 HE9.2. Where an application will lead to substantial harm to or total loss of significance, LPAs should refuse consent unless it can be demonstrated that:
- (i) the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or
 - (ii) a.) the nature of the heritage asset prevents all reasonable uses of the site; and
b.) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and
c.) conservation through grant aid or some form of charitable or public ownership is not possible; and
d.) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.
- 11.8 HE9.4. Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases the LPAs should:
- (i) weigh the public benefit of the proposal (eg, that it helps to secure the optimum viable use of the asset in the interests of its long term conservation) against the harm: and

- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.
- 11.9 Whilst the proposal will not result in the total loss of the listed building, in this case the harm to the heritage asset is substantial and therefore policy HE9.2 is of relevance.
- 11.10 PS5 does recognise that "...intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term."
- 11.11 The proposed development would result in the loss of the historic fabric and would change the basic form of the north-light range, which is a fundamental expression of the building's original function resulting in a significant change to the original form of this part of the listed building from its original single-storey design to a two storey design. This has been mitigated to some extent by the re-use of the existing roof structure in the rebuild which will partly preserve the building's historic fabric. Whilst the poor condition of the building is not a justification for demolition or alteration, the LPA must be satisfied that the public benefit of the proposed development outweighs the harm to the significance of the listed building. The Community Benefits below are considered to be a substantial material consideration in this respect.

Community Benefits

- 11.12 The information received from the applicants states that the temple performs multiple functions, not just as a place of worship but a community hub. Whilst the temple is open in the week for prayer and incidental services, it also provides accommodation for mother and toddler groups, youth groups and in particular, the Punjab United set up which involves five youth football teams and a series of education and community activities including for example English and Punjabi lessons. In addition, the temple also provides meals for temple visitors, which is a fundamental element of the Sikh tradition.
- 11.13 The statement goes on to state that the use of the site differs considerably on a Friday, Saturday and Sunday to that in the week as a result of conventional services in the main prayer hall which are frequently assigned to particular religious events notable in the Sikh calendar, anniversaries of a particular event or other celebrations associated with particular members of the community. Depending on the nature of the event, the number of people attracted to the event will vary, however it is not unusual for congregations to exceed the capacity of the existing ground floor prayer hall (approximately 350 people). For smaller celebrations and services there is a smaller prayer hall available on the first floor accommodating approximately 150 people.
- 11.14 With wedding ceremonies being predominantly held on a Friday, Saturday or Sunday and attracting larger congregations than those associated with normal day's worship, Sikh tradition requires the prayer element to be completed by 10.30am and any hymns etc to be normally concluded by 12.30pm and 1.00pm. On occasions where weddings ceremonies and conventional worship takes place in addition to providing a meal to worshippers, the existing capacity for a maximum 180 people seated at tables and 15 people seated on the floor in the dining hall is proving to be inadequate.
- 11.15 As a result of the above factors, the areas in the existing building i.e. classrooms and store rooms are used as an overflow in the event of a wedding and conventional worship resulting in the closure of the second floor "sports hall" for anything other than quiet activities due to noise transference through to the first floor and hence activities like the mother and toddler group, martial arts, or larger group sessions not being held.
- 11.16 The statement summarises that under current circumstances there is a highly unsatisfactory situation in relation to the provision of accommodation in which to provide meals to worshippers and guests at the temple. Storage areas and classrooms are being used to accommodate overflow from the existing dining hall and

that in turn is having a knock on effect in sterilising those rooms from performing their normal functions. The unavailability of those rooms is then prejudicing the ability of the temple to operate its other community functions listed above.

- 11.17 The applicants in their statement comment that the provision of a dedicated first floor prayer hall area will release the existing ground floor prayer hall for an extension of the existing dining hall. This enlarged space will be sufficient to accommodate all dining requirements arising from multiple uses of the temple and thereby enable the existing store and classrooms to be returned to their intended uses.
- 11.18 In particular the first floor classroom currently being used for storage can be returned to classroom use for activities such as yoga, mother and toddler activities and can then accommodate sessions like gun and knife crime awareness activities, which the temple have developed with the aid of a home office grant to assist in this initiative which will run in parallel with the Punjab United operation and the football sessions.
- 11.19 The ground floor storage area will be able to revert to its original intended use, the existing first floor prayer hall (religious education room) will be retained and continue to perform a supplementary function to discreet events in the same way as currently occurs. Without the extensions, the applicants state that visitors to the temple would have to continue to receive their meals in cramped and unsatisfactory conditions and the ability of the temple to meet the social and community needs of the community at the weekends would be severely hampered.
- 11.20 PPS5 which sets out the national guidance for historic assets requires any harm to the asset to be outweighed by the public benefits. In this application the harm is considered to be substantial, however in this case the public benefits outweigh the harm to the significance to the listed building, as the works will improve the temple facilities and provide wider community benefits and will help ensure the long-term upkeep of the listed building.

Highway Matters

- 11.21 UDP policies AM12 'Parking and Servicing Provision' seeks to ensure that maximum levels of car parking and minimum levels of disabled, cycle and motorcycle parking shall be in accordance with details contained within this policy whilst UDP policy AM15 'Road Safety and Personal Security' seeks to ensure that all development should be designed to contribute towards improving road safety.
- 11.22 The scheme involves a potential increase in car parking requirement at weekend events. In particular it is considered that additional space for the parking of coaches will be needed and should be encouraged. The use of a nearby industrial car park, which is not in use during the weekend, is proposed. However, as the applicant will not own this facility, Transportation is concerned that without a binding 106 Agreement, the long term use of this additional parking area cannot be guaranteed. The use of a 106 Agreement in this case where a third party would not wish to have its interest legally bound in this manner, means that the only viable option is to place what is known as a 'Grampion' condition on the planning consent, that the car parking is made available at all times for use at weekends. If the parking subsequently becomes unavailable at some later date, the Temple would need to find alternative parking, or reduce parking need, in order to keep within the terms of the planning consent. Whilst this is not the ideal solution, in view of the limited risk involved and the ability of the Council to retain control via the imposition of the condition, this is on balance, considered to be a way forward which can be recommended.
- 11.23 The comments in respect of transportation also require details of cycle parking, security lighting, marking out of the parking bays by suitable planning conditions.

12. Conclusion

- 12.1 As a result of the statement provided, the need for the proposal is considered to conform to the advice as set out in PPS5 as a result of the wider community benefits and the improvement of the temple facilities as a result of the proposal which have been assessed above. It is considered that the improvements are a means to best ensure the long-term up-keep of the listed building and the requirements of policy HE9.2 of PPS5 have been satisfied as it is concluded that the community benefits in this instance are considered to outweigh the harm to the significance of the listed building and the measures proposed to reinstate the building are to an acceptable standard.
- 12.2 The proposal is considered acceptable in respect of transportation requirements subject to the conditions recommended.

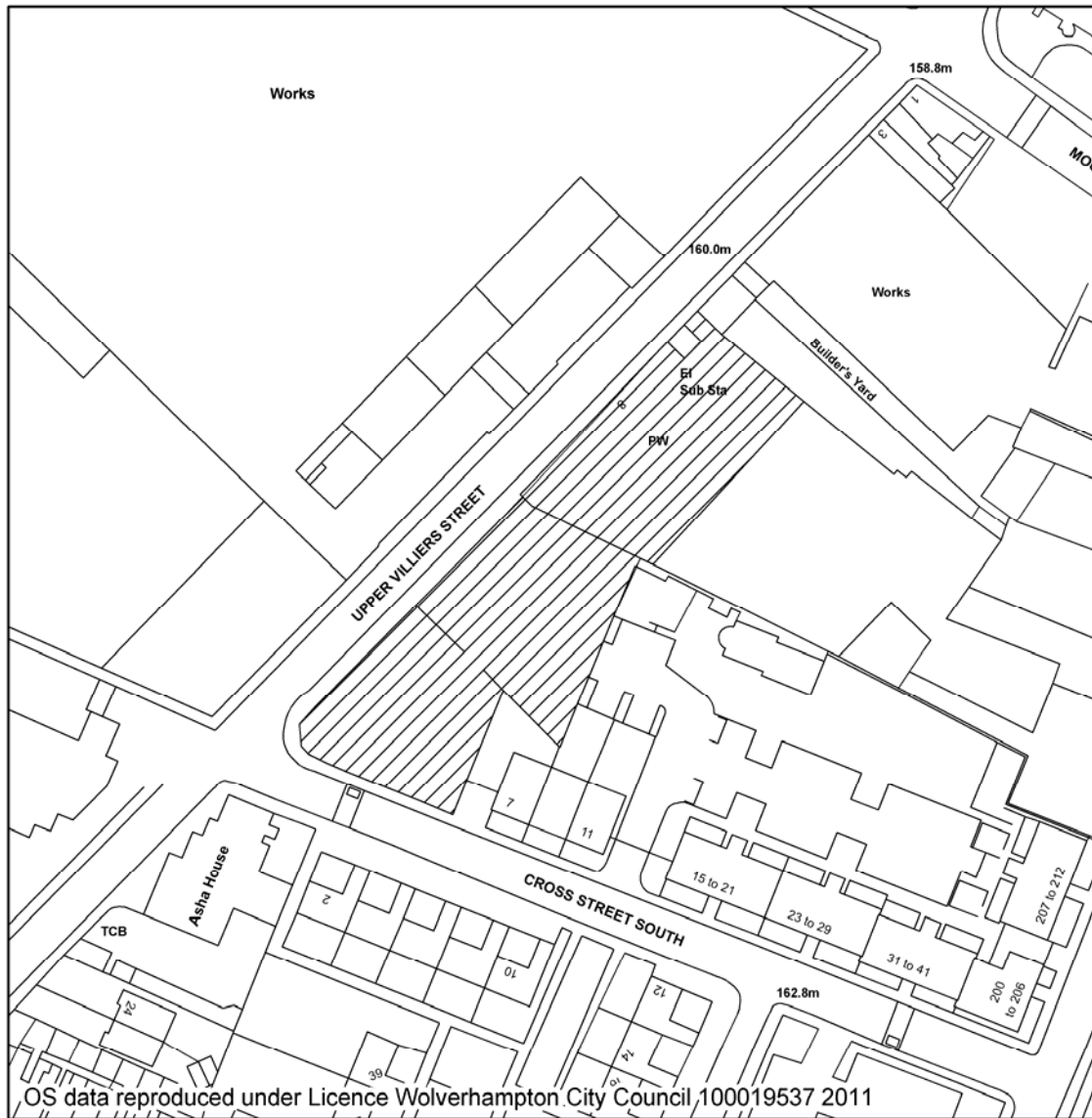
13. Recommendation

- 13.1 That listed building consent application 10/00826/LBC, be submitted to the Secretary of State with a recommendation for approval.
- 13.2 That planning application 10/00815/FUL be granted, subject to:
- Formal contract for the rebuilding of the rear range has been entered into
 - Details of remediation works to the adjoining buildings
 - Prior to demolition, the existing structure to be properly recorded in accordance with a brief provided by WCC Historic Environment service and deposited with the Historic Environment Record
 - Detail drawings of the lift and stairs to be submitted for approval
 - Detail drawings of the car park entrance and canopy to be submitted for approval
 - Roof specification to be natural slates, clay ridge tiles, plain verges and lead valleys
 - Samples of all materials to be submitted for approval
 - Details of proposed north lights/rooflights to be submitted for approval
 - Details of cycle parking
 - Details of security lighting
 - Details of parking bays to be marked out
 - The use of third party land for additional parking
 - Operational hours during construction

Case Officer : Mr Ragbir Sahota

Telephone No : 01902 555616

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 10/00815/FUL & 10/00826/LBC

Location	Guru Teg Bahadur Sikh Temple, Upper Villiers Street, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391228 297094
Plan Printed	23.11.2011	Application Site Area	2448m ²

PLANNING COMMITTEE - 06-Dec-11

APP NO: 11/00113/LBC

WARD: St Peters

DATE: 28-Apr-11

TARGET DATE: 23-Jun-11

RECEIVED: 03.02.2011

APP TYPE: Listed Building Consent

SITE: Wolverhampton City Council, Town Hall And Magistrates Court, North Street, Wolverhampton

PROPOSAL: Alterations to Dock - Court 9, Court 10 to be divided into meeting room and video link/interview room, ground floor toilets to be reconfigured as male/female toilets, ground floor waiting room to be converted to jury room, court 5 to be split into two smaller court rooms with new doorway formed from interview room to corridor.

APPLICANT:

Mr Richard Tallis
Her Majesty's Court Service (HMCS)
HMCS Estates-Midlands Region
6th Floor Temple Court
35 Bull Street
Birmingham
B4 6JX

AGENT:

Mr Ivan Stockton
Wolverhampton City Council
Property Services
Civic Centre
St Peters Square
Wolverhampton
WV11RL

COMMITTEE REPORT:

1. Site Description

- 1.1 The Town Hall, now the home of the Magistrates Court is a Grade II listed building situated in the Wolverhampton City Centre Conservation Area. The site is bounded on the three sides by the vehicular routes of North Street, Corporation Street, and Red Lion Street. The fourth boundary is formed by commercial properties along Darlington Street.
- 1.2 The Town Hall was officially opened in 1871. It was built in the French Renaissance style with a sandstone facade and rusticated plinth with side elevations being mostly constructed of common brickwork
- 1.3 The original building contained a Council Chamber, Committee Rooms and a Mayoral Suite. Located at the rear of the Town Hall were the main Police and Fire stations that surrounded a large courtyard.
- 1.4 The Town Hall functions remained in place until 1978 when the Council then transferred to the new Civic Centre. At this time the building became used as the Law Courts, before the Crown Court functions were moved to a new site in 1991 at Pipers Row. At this point the building became the Magistrates Court.

2. Application details

- 2.1 The HMCS have been required to make financial savings on rental costs and as a consequence a strategic decision was taken to relocate Crown *and* County Court services from the Waterfront building in Dudley to a number of other sites, one of which being the Magistrates Court.
- 2.2 The application proposals have involved internal alterations to the fabric of the listed building in four areas of the building. The proposals are summarised below:
- 2.3 Court 5 - Subdivision of the existing court to create two smaller courts. Works comprise partition walls creating a central corridor, removal of the raised floor and judges' bench, and conversion of a storage area to provide a Judges retiring room.
- 2.4 Court 9 - Relocation of the witness stand, alterations to the existing Dock and the removal of an area of public seating to allow space for storage.
- 2.5 Court 10 - Existing court subdivided by partition walls to form office space, video link rooms and a new waiting room, new floor finishes throughout and new lighting in the video link rooms.
- 2.6 Waiting Room - Conversion of the existing waiting room alongside Court 9 to form a new Jury Assembly Room.

3. Planning History

- 3.1 Numerous planning applications relating the internal and external alterations to the building.

4. Constraints

- 4.1 Grade II Listed Building

5. Relevant policies

- 5.1 The Development Plan
Wolverhampton's Unitary Development Plan
 - HE14 Alterations and Extensions to a Listed Building

- 5.2 Other relevant policies
PPS1 – Delivering Sustainable Development
PPS5 – Planning and the Historic Environment

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 **Historic Environment Team** – The subdivision of Court 10 to create a waiting room and video link interview rooms has already been undertaken, and it is not possible to assess whether the alterations have resulted in a loss of historic interest. The works have however been undertaken with some sensitivity with materials and detailing to match the existing.

8.2 Joinery work in Court 9 is of a good standard and matches the existing.

8.3 The works in Court 5 (which have not yet taken place) will be a reinstatement of the original floor plan of the building. Consequently there are no objections to these proposed works.

8.4 Overall there are no objections to the proposals, but consent should have been obtained prior to the commencement of the work.

9. External consultees

9.1 **English Heritage** – Concerns expressed that works had taken place prior to approval. Further details of the proposals requested in the form of a Design and Heritage Statement.

9.2 Following the submission of the additional information a site visit was undertaken by the Historic Buildings Inspector and confirmation was provided in writing advising while it is unfortunate that some of the works have already been executed without listed building consent fortunately none has caused harm to the heritage significance of the listed premises and have been carefully executed to avoid damage to historic mouldings and ceilings. The proposed works to Court 5 will reinstate the historic plan form of this rear area (which is of minor historic significance).

9.3 English Heritage has no objection to the application.

9.4 **Wolverhampton Civic And Historical Society** – Comments awaited.

10. Legal Implications

10.1 The general legal implications are set out at the start of this report.

10.2 Listed Building consent is required to any works for the demolition of a listed building, or for its alteration or extension which is likely to affect its character as a building of special architectural or historical interest. S16 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that where permission is granted it can be granted subject to conditions and further detailed in S17 (1) . In considering application S16 (2) of the Act provides that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.3 Under S10 of the Planning (Listed Building and Conservation Areas) Act 1990 certain types of applications can be called in for consideration by the Secretary of State. This

building being in the ownership of the Local Authority is deemed to be called in under Regulation 13 of the Planning (Listed Building and Conservation Areas) 1990 and therefore must be referred to the Secretary of State for decision (LC/161111/W).

11. Appraisal

11.1 The key issues are: -

Impact on the Fabric of a Listed Building

11.2 The majority of the works which form this application for listed building consent have been commenced and completed. English Heritage have confirmed that these works have been undertaken to a good standard and have not damaged the historic interior of the listed building.

11.3 The works remaining to be undertaken in Court 5 will reinstate the original floor layouts and are considered to benefit the listed building.

11.4 On balance therefore the requirements of policy HE14 of the UDP have been met in that the architectural and historic interest of the listed building have not been adversely affected. PPS5 which sets out the national guidance for historic assets requires any harm to the asset to be outweighed by the public benefits. In this application the harm is negligible, whilst the public benefit is significant as the works will improve the court facilities and make saving for the public purse.

12. Conclusion

12.1 The works which have been undertaken are sympathetic to the historic fabric of the listed building. The remaining works (in Court 5) will reinstate the original floor plan layout. The end result of the works will be improved facilities for judges, barristers, witnesses and defendants; as well as savings to the public purse.

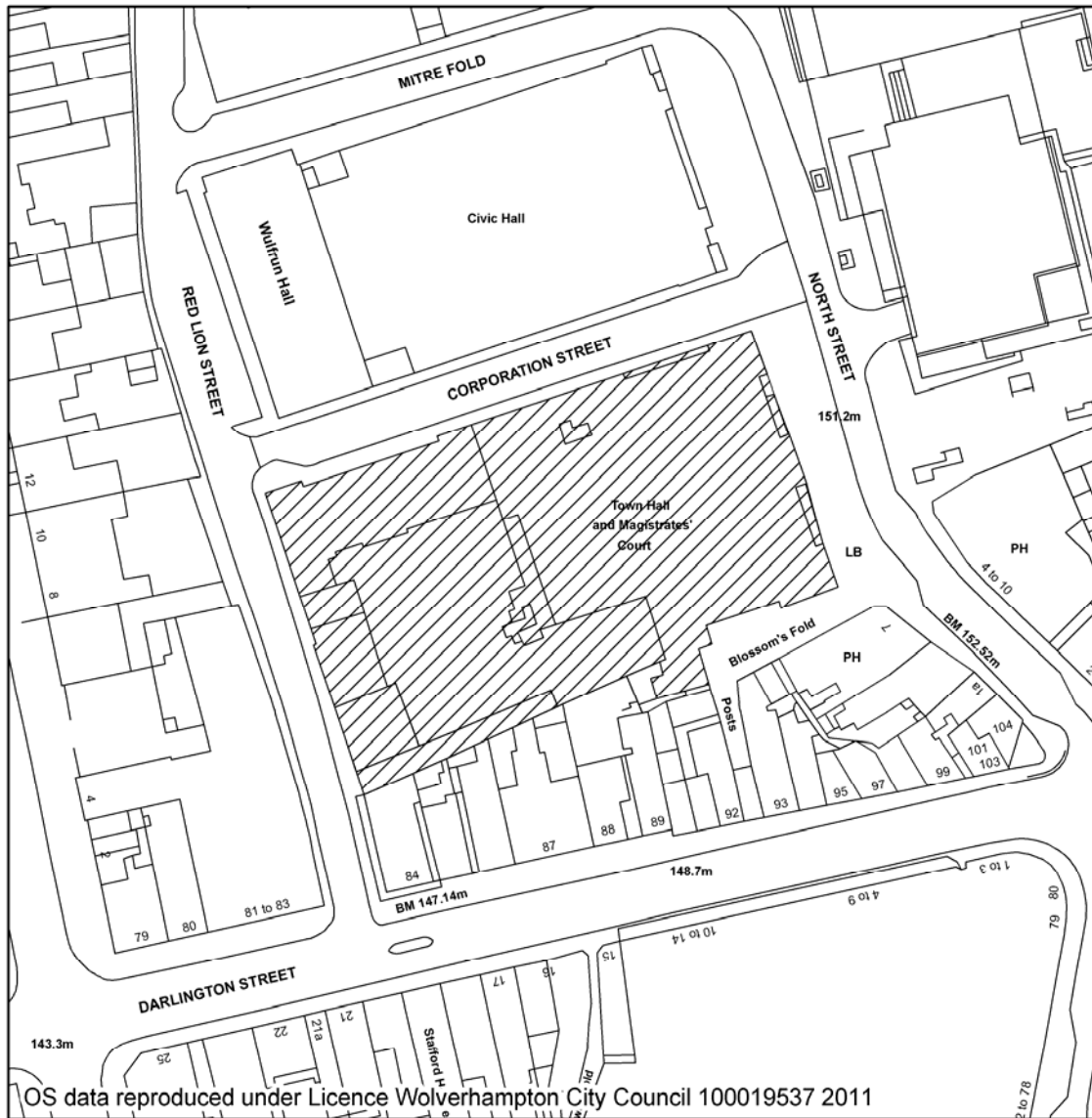
13. Recommendation

13.1 That listed building consent application 11/00292/LBC, be submitted to the Secretary of State with a recommendation for approval.

Case Officer : Mr Andy Carter

Telephone No : 01902 555648

Head of Development Control & Building Control – Stephen Alexander



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Planning Application No: 11/00113/LBC

Location	Wolverhampton City Council, Town Hall And Magistrates Court, North Street, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391266 298713
Plan Printed	23.11.2011	Application Site Area	4306m ²