



# Planning Committee

## Date 7 January 2014

**Planning Application No**

13/01153/FUL

**Site**

The Warstones Inn, Warstones Road and Public Open Space to the rear (accessed from Rochford Grove and Buckley Road), Penn, Wolverhampton

**Proposal**

Erection of twenty five houses and one apartment

**Ward**

Penn

**Applicant**

Tatton Hall Homes

**Agent**

Mr Otto De Weijer

**Cabinet Member with Lead Responsibility**

Councillor Peter Bilson  
Economic Regeneration and Prosperity

**Accountable Strategic Director**

Tim Johnson, Education and Enterprise

**Planning Officer**

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### 1. Summary Recommendation

- 1.1 Delegated authority to grant subject to conditions and a development and/or legal agreement.

### 2. Application site

- 2.1 This 0.7ha site includes the Warstones Inn and the public open space to the rear. It is bounded on three sides by the rear gardens of adjacent houses.
- 2.2 The Warstones Inn has been closed since April 2013. Planning permission was granted in September 2013 for its demolition and the erection of fourteen houses.
- 2.3 The public open space includes an informal football pitch. Pedestrian access is from Buckley Road and Rochford Grove. A public footpath

(FP212) crosses the site from north to south, linking Rochford Grove and Buckley Road.

### **3. Application Details**

- 3.1 The application proposes 26 dwellings comprising 4 four bedroomed houses, 16 three bedroomed houses, 5 two bedroomed houses and 1 two bedroomed apartment.
- 3.2 The proposed layout is based on a central access road from Warstones Road. The existing pedestrian access from Rochford Grove into the site would be retained but it would not continue out to the north-east side of the site to Buckley Road.
- 3.3 The dwellings would be of a traditional appearance with facing brickwork, render finish and pitched tile roofs. Car parking would be provided on driveways and within garages and private courtyards. All dwellings, apart from the apartment would have rear gardens.

### **4. Planning History**

- 4.1 13/00654/FUL. Demolition of Warstones Inn and erection of 14 dwellings. Granted 23.09.2013.
- 4.2 13/00519/DEM. Demolition of Warstones Inn and associated buildings. Granted 19.06.2013.
- 4.3 11/01198/FUL. Change of use from public house to a Veterinary Practice. Granted 17.12.2012.

### **5. Relevant Policy Documents**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 5.3 SPG/SPD:  
Residential Development  
Affordable Housing  
Renewable and Low Carbon Energy

### **6. Environmental Impact Assessment Regulations**

- 6.1 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The “screening opinion” of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a

significant effect on the environment as defined by the above Regulations and case law.

## **7. Publicity**

7.1 Five letters of support received, summarised as follows:

- Good new affordable housing is needed in Penn.
- In character with surroundings and will enhance Penn.
- The loss of the open space and public house is supported.
- The open space is rarely used, attracts vandalism and anti-social behaviour (including noise disturbance) and is poorly maintained.
- There are other open spaces nearby.
- The alley to Buckley Road wouldn't be needed, would be unsafe and should be closed.

7.2 Nine letters of objection received, summarised as follows:

- Unacceptable loss of open space, which is regularly used.
- Open space should be retained and improved.
- Further consultation needed regarding loss of the open space.
- Concern about close proximity of new housing to existing housing
- No other open space nearby without crossing dangerous roads.
- Increased traffic on surrounding roads, detrimental to road safety.
- Detrimental to residential amenity.
- Nuisance from construction traffic.

## **8. Internal Consultees**

8.1 Environmental Health – No objections subject to conditions relating to hours of construction, contaminated land remediation and a construction management plan.

8.2 Transportation – Request wider car parking spaces.

## **9. External Consultees**

9.1 Police – Recommend closure of the alley to Buckley Road, as alleyways such as this attract anti-social behaviour and criminal activity.

## **10. Legal Implications**

10.1 Obligations (planning agreements) must now as a matter of law (CIL Regulations) comply with the following tests, 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.

The Council cannot enter into a planning agreement with itself so the mechanism for securing planning obligations where it owns the land is by way of a Development Agreement

(LD/12122013/B).

## **11. Appraisal**

### **11.1 Key issues:**

- Loss of public house and open space
- Principle of residential development and its design
- Public right of way
- Planning obligations

### **11.2 Loss of pub and public open space**

The demolition of the public house has already been permitted.

11.3 The public open space (POS) is identified as such in the UDP. On 15th October 2013 Cabinet approved the principle of developing the POS for housing.

11.4 On 18th December 2013, Cabinet is to consider a recommendation to declare the POS surplus to requirements and approve its disposal for residential development.

11.5 In accordance with UDP policy R3, in cases where permission is granted for the redevelopment of an open space, compensatory provision is required. This could take the form of a new children's play area at Windsor Avenue Playing Fields.

11.6 The principle of residential development and its design.  
The demolition of the pub has already been permitted. If Cabinet declare the POS surplus then its loss will be acceptable, subject to a compensatory payment. The site is in a residential area and its development for housing would be acceptable.

11.7 The design is acceptable subject to receipt of amended plans that show wider car parking spaces.

### **11.8 Public Right of Way**

The alley between the new housing and Buckley Road would be closed in the interests of the safety and security of residents and also high quality design.

### **11.9 Planning Obligations**

In accordance with Development Plan policies there is a requirement for:

- Compensatory payment for loss of POS of £102,370.04 (BCIS indexed)

- 25% affordable housing
- 10% renewable energy
- Targeted recruitment and training
- Management company for communal spaces

11.10 For developments of 10 dwellings and more, there would normally be a policy requirement for a contribution for off-site public open space / play enhancement / provision. However in this case, all the necessary enhancements can be achieved with the POS compensatory payment. Therefore, In accordance with the CIL Regulations it would not be lawful to require a further payment.

## **12. Conclusion**

12.1 Subject to Cabinet declaring the POS surplus and a development/legal agreement and conditions as recommended, the development would be acceptable and in accordance with the development plan.

## **13. Detailed Recommendation**

13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/01153/FUL subject to:

- I. Cabinet declaring the Public Open Space surplus
- II. A development/legal agreement to secure
  - Loss of POS compensatory payment of £102,370.04 (BCIS indexed)
  - 25% affordable housing
  - 10% renewable energy
  - Targeted recruitment and training
  - Management company for communal spaces
- III. Amended plans showing wider car parking spaces
- IV. Any necessary conditions to include:
  - Landscaping
  - Boundary treatments (including electronic gates for communal car parking area)
  - Measures to mitigate impact on neighbours during construction
  - Drainage
  - Tree protection measures
  - Replacement street trees
  - Contaminated land remediation
  - Levels

Notes for information:

The grant of planning permission does not mean that a public right of way can be interfered with, obstructed or moved until a formal 'Order' has been confirmed.

The new access road to be built to Wolverhampton City Council adoptable standards

Clearance of trees shrubs and hedges approved should only be undertaken outside the bird nesting season

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