



Planning Committee

18 November 2014

Time 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Linda Leach (Lab)
Vice-chair Cllr Harman Banger (Lab)

Labour

Cllr Ian Claymore
Cllr Claire Darke
Cllr Dr Michael Hardacre
Cllr Keith Inston
Cllr John Rowley
Cllr Judith Rowley
Cllr Bert Turner

Conservative

Cllr Christopher Haynes
Cllr Wendy Thompson
Cllr Jonathan Yardley

Quorum for this meeting is four Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact John Wright
Tel/Email Tel 01902 555048 or email John.wright@wolverhampton.gov.uk
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website <http://wolverhampton.moderngov.co.uk>
Email democratic.support@wolverhampton.gov.uk
Tel 01902 555043

Please take note of the protocol for filming, recording, and use of social media in meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of the previous meeting (Pages 1 - 6)
[To approve the minutes of the previous meeting as a correct record] |
| 4 | Matters Arising
[To consider any matters arising] |

DECISION ITEM

- | | |
|---|--|
| 5 | Planning application 1401007 Woodthorne, Wergs Road (Pages 7 - 10)
[To determine the application] |
| 6 | Planning application 1400997 10 Dippons Mill Close, Wolverhampton (Pages 11 - 16)
[To determine the application] |
| 7 | Planning Application 1400845 Land rear of 36 Foley Avenue, Wolverhampton (Pages 17 - 20)
[To determine the application] |
| 8 | Planning Application 1400934FUL Former Police Station, Birmingham Road, Wolverhampton (Pages 21 - 26)
[To determine the application] |
| 9 | Planning application 1400828 King Charles Public House, Cromwell Road, Wolverhampton (Pages 27 - 30)
[To determine the application] |

[NOT PROTECTIVELY MARKED]

This page is intentionally left blank



Planning Committee

Minutes - 23 September 2014

Attendance

Councillors

Cllr Linda Leach (Chair)
Cllr Harman Banger (Vice-Chair)
Cllr Ian Claymore
Cllr Dr Michael Hardacre
Cllr Christopher Haynes
Cllr Keith Inston
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson
Cllr Bert Turner
Cllr Jonathan Yardley

Employees

Andy Carter	Senior Planning Officer
Martyn Gregory	Section Leader
Kevin O'Keefe	Chief Legal Officer
Marianne Page	Section Leader - Transportation
Ragbir Sahota	Planning Officer
John Wright	Democratic Support Manager

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Darke

2 Declarations of interest

No declarations were made

3 Minutes of the previous meeting

The minutes of the meeting held on 22 July 2014 were approved as a correct record and signed by the Chair.

4 Matters Arising

There were no matters arising.

5 Planning Application 14/00697/OUT Observer Buildings,2 Lower Street, Wolverhampton

Mr Lucas spoke in opposition to the application.

Mr York spoke in support of the application.

Councillors expressed the view that housing would be acceptable on the site and would increase road safety because of the reduction in vehicle movements.

Resolved

That planning application 14/00697/OUT be granted, subject to any appropriate conditions including:

- Standard outline conditions
- Landscaping
- Detailed tree survey
- Transportation – access, site turning and parking layout
- Materials
- Bin stores
- Details of surface and foul water
- Flood risk assessment
- Contaminated land
- Construction Management Plan and hours of construction
- Removal of permitted development for extensions

6 Planning Application 14/0083/OUT New Cross Car Park, Wolverhampton Road, Wolverhampton

The Planning Officer informed the Committee that the application involved the proposed loss of mature trees but it was felt that this would be outweighed by the benefits of the development

Mr Randles spoke in support of the application.

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00083/OUT subject to:

- (i) Completion of a S106 Agreement to secure:
 - Public open space contribution (for the residents of the apartments)
 - 10% renewable energy (whole development)
 - Targeted recruitment and training
- (ii) Any appropriate conditions including:
 - Standard outline conditions
 - Drainage
 - Levels
 - Site waste management plan

- Construction management plan (including hours of construction)
- Landscaping
- Contaminated land remediation
- Control of cooking odour control and ventilation (Medium Secure Unit kitchen only)
- Tree protection measures
- Retention of decorative railings
- Floor plans
- Vehicular pedestrian and visibility splays
- Re-alignment of pedestrian footpath

7 Planning Application 14/00266/FUL The Lych Gate, Chamberlains Lane, Wolverhampton

The Committee was informed that the application had been withdrawn from the agenda and would be determined by officers under delegated powers.

8 Planning Application 14/00726/FUL Former Christ Church of England Infant School, Leicester Street, Wolverhampton

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00726/FUL subject to:

- (i) Completion of a S106 Agreement to secure:
- Affordable housing commensurate with viability – or a financial contribution in lieu of on-site provision.
 - Open space/play contribution and renewable energy commensurate with viability.
 - Any reduction in affordable housing, open space/play contribution and renewable energy to apply only to those dwellings which are ready for occupation within 3 years of the date that a lack of viability is demonstrated, with the full requirement applying to those dwellings that are not ready by that date.
 - Targeted recruitment and training.
 - Management company for communal areas
 - Amendments to parking restrictions
- (ii) Any appropriate conditions including:
- Materials
 - Landscaping
 - Boundary treatments
 - Bin stores
 - Cycle stores
 - Drainage
 - Levels
 - Construction management plan (including hours of construction)
 - Tree protection measures and survey

- Gate details to sub-station
- Removal of street railings and bins

9 **Planning Application 14/00705/FUL Land at Carlton Road, Wolverhampton**

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00705/FUL subject to:

- (i) A S106 agreement for the following (if the development is sufficiently financially viable) :
- Loss of playing field compensation - £10,000
 - Targeted recruitment and training
- (ii) Any appropriate conditions including:
- Materials;
 - Window and door details;
 - Bin stores;
 - Landscaping;
 - Boundary treatments;
 - Tree protection measures;
 - Construction Management Plan;
 - Ground Conditions
 - 10% renewable energy
 - Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.

10 **Planning Application 1400787FUL 110 Wergs Road Wolverhampton**

The Section Leader informed the Committee that the Tettenhall Neighbourhood Steering Group had indicated their support for the refusal of the application.

Mr Che Dan spoke in support of the application.

Councillors expressed their concern about the application which they felt was inappropriate on the site because it was out of scale and character for the area

Resolved

That planning application 14/00787/FUL be refused for the following reasons

The development would be out of scale and out of character with neighbouring residential development. As such the proposal would be contrary to the UDP Policies

D4, D8, and D9 and BCCS Policies ENV2, ENV3 and the Tettenhall Neighbourhood Plan Policy TNP12 Part A. It would also be contrary to the development guidelines set out in the Tettenhall Historic Landscape Character Study (Chapter 6B).

This page is intentionally left blank



Planning Committee

18 November 2014

Planning application no.	14/01007/FUL
Site	Woodthorne, Wergs Road
Proposal	Replacement of four detached dwellings (previously approved) with three pairs of semi-detached and one detached dwelling.
Ward	Tettenhall Regis
Applicant	David Wilson Homes Mercia
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Delegated authority to grant subject to a Deed of Variation to the original S106 agreement.

2. Application site

- 2.1 The application site is at the rear of 78 – 84 Wergs Road and is part of the Woodthorne housing development on the former ADAS site..

3. Application Details

- 3.1 The proposals seek to substitute four approved detached houses with six semi-detached and one detached.

4. Planning History

- 4.1 12/01478/FUL – 58 dwellings (46 houses and 12 apartments) granted 22 May 2013

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)
Tettenhall Neighbourhood Plan (TNP)

6. Environmental Impact Assessment Regulations

- 6.1 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 Five objections have been received to the proposals. The reasons are summarised below:

- Over development
- House types out of context with surrounding area
- Increase in traffic
- Danger to pedestrian safety

8. Internal Consultees

- 8.1 Transportation – No objection

9. Legal Implications

- 9.1 In accordance with S106A of the Town and Country Planning Act 1990 a planning obligation may not be modified except by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable. Accordingly proposed amendments to an existing S106 Agreement, need to be regularised by a Deed of Variation.
[KR/06112014/N]

10. Appraisal

- 10.1 The key issues are:-

- Design and house types
- Amenity
- Increase in traffic
- Section 106 requirements

Design and house types

- 10.2 The design of the proposed house types follows a similar traditional approach to the rest of the development. The introduction of semi-detached dwellings would increase the variety of house types on the site; consistent with policy HOU2 of the Black Country Core Strategy.

Amenity

10.3 The proposed houses would be over 40m from the rear of the dwellings on Wergs Road, thus maintaining privacy, and consistent with the Residential Development SPD.

Increase in traffic

10.4 The proposals would result in an additional three houses on the Woodthorne site. The increase in vehicles leaving and entering the site would not result in a detrimental impact on highway safety.

Section 106 requirements

10.5 The original S106 agreement included a requirement for affordable housing and public open space contributions. In line with policy and the increase in the number of houses proposed there would be a requirement for the a Deed of Variation the original S106 to secure increased contributions :

- £568,982.76 affordable housing contribution (increase of £27,982.76)
- £141,221.20 open space contribution (increase of £6,945.31)

11. Conclusion

11.1 Subject to conditions and a Deed of Variation as recommended, the proposal would be acceptable and in accordance with the development plan.

12. Detailed Recommendation

12.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/01007/FUL subject to:

- i. A S106 agreement for the following:
 - £568,982.76 affordable housing contribution (increase of £27,982.76)
 - £141,221.20 open space contribution (increase of £6,945.31)
- ii. The following conditions
 - Materials;
 - Landscaping;
 - Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
 - Construction Management Plan;
 - Geo-environmental Assessment
 - 10% renewable energy
 - Lighting Layout



DO NOT SCALE

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



Planning Committee

18 November 2014

Planning application no.	14/00997/FUL
Site	10 Dippons Mill Close, Wolverhampton
Proposal	Conversion of single storey bungalow into a two storey dwelling
Ward	Tettenhall Wightwick
Applicant	Mr Harjit Singh
Agent	Mr J Kalsi
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Marcela Quinones Herrera Tel 01902 555607 Email Marcela.QuinonesHerrera@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Delegated authority to grant subject to conditions.

2. Application site

- 2.1 No. 10 Dippons Mill Close is a detached bungalow located within a residential cul-de-sac. Only two of the properties along Dippons Mill Close are bungalows, the remaining are two storey detached houses.
- 2.2 Plots at this point have wide frontages of approximately 15m in width. All the properties have gaps at first floor level.
- 2.3 The application site currently has a pitched roof double garage immediately adjacent to property No. 12 Dippons Mill Close. Towards the north, the application site abuts property No. 8 Dippons Mill Close.

3. Application Details

- 3.1 The application proposes to convert a single storey bungalow into a two storey five bedroom house by introducing a first floor extension to the main footprint of the building.

- 3.2 The total height of the proposed two storey building would be approximately 7m. The garage height would be same height as the existing pitched roof garage.
- 3.3 The building materials on the elevations are brick at ground floor level with hanging tiles at first floor level to match existing properties in the street scene.
- 3.4 Three off street parking spaces are provided with the proposal.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 Supplementary Planning Guidance No. 3 – Residential Development
- 4.4 TNP - Neighbourhood Plan for the Tettenhall Wards 2014-2026

5. Environmental Impact Assessment Regulations

- 5.1 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 Two letters of objection received which include a request to speak at Planning Committee, raising the following planning issues:
 - Overshadowing
 - Loss of daylight
 - Loss of sunlight
 - Inappropriate height
 - Detrimental to residential amenity
 - Detrimental to existing drainage system which is at capacity
 - Inadequate parking provision

7. Legal Implications

- 7.1 In accordance with Section 72 of the Town and Country Planning Act 1990 conditions may be imposed on the grant of planning permission for regulating the development or use of any land under the control of the applicant or requiring the carrying out of works on any such land, so far as appears to the local planning authority to be expedient for the purposes of or in connection with the development authorised by the permission.
[KR/06112014/I]

8. Appraisal

8.1 The key issues are:-

- Impact on street scene
- Impact on neighbours
- Parking
- Drainage

Impact on street scene

8.2 The proposed first floor extension would convert a single storey bungalow into a two storey dwelling house similar to the vast majority of residential properties at Dippons Mill Close.

8.3 First floor level gaps in between properties are part of the character of the street scene. The proposal would retain those first floor level gaps.

8.4 The total height of the proposed building would be in line with immediately adjacent properties.

8.5 The proposed design and materials would match surrounding properties.

8.6 Therefore, for the reasons outlined above, the proposal is in keeping with the character and appearance of the streetscene and the area.

Impact on neighbours

8.7 The separation distances in between immediate neighbouring properties and the proposed first floor extension are: 4.9m to No. 8 Dippons Mill Close and 7.7m to No. 12 Dippons Mill Close.

8.8 By virtue of its orientation the proposal would not cast a shadow into property No. 8 at any point during the day.

8.9 The application property currently has a double pitched roof garage which is immediately adjacent to property No 12 Dippons Mill Close garage. This pitched roof garage currently casts a shadow on the side elevation and side amenity area of property No. 12.

8.10 Property No. 12 has a kitchen/dining area with three windows. Two of the windows face towards the application site and the other faces east (into No. 12's garden area).

8.11 Due to the two sources of sunlight/daylight to No. 12's kitchen the separation distances in between properties and the current circumstances where the existing pitched roof garage already casts a shadow on this area, the proposal is considered to not significantly affect the level of amenity, sunlight and daylight to property No. 12 Dippons Mill Close.

8.12 This proposal is in accordance with the relevant BCCS, UDP, SPG3 – Residential Development and TNP policies.

Parking

- 8.13 Three off street parking spaces are proposed. For a 5 bedroom house this is considered acceptable.

Drainage

- 8.14 Neighbours have raised concerns with regards to drainage capacity at the application site. Any hard standing area should be designed to minimise the quantity and maximise the quality of surface water run-off in accordance with UDP policy EP9. A sustainable drainage condition for all hard standing areas would help to improve drainage capacity at this particular point.

9. Conclusion

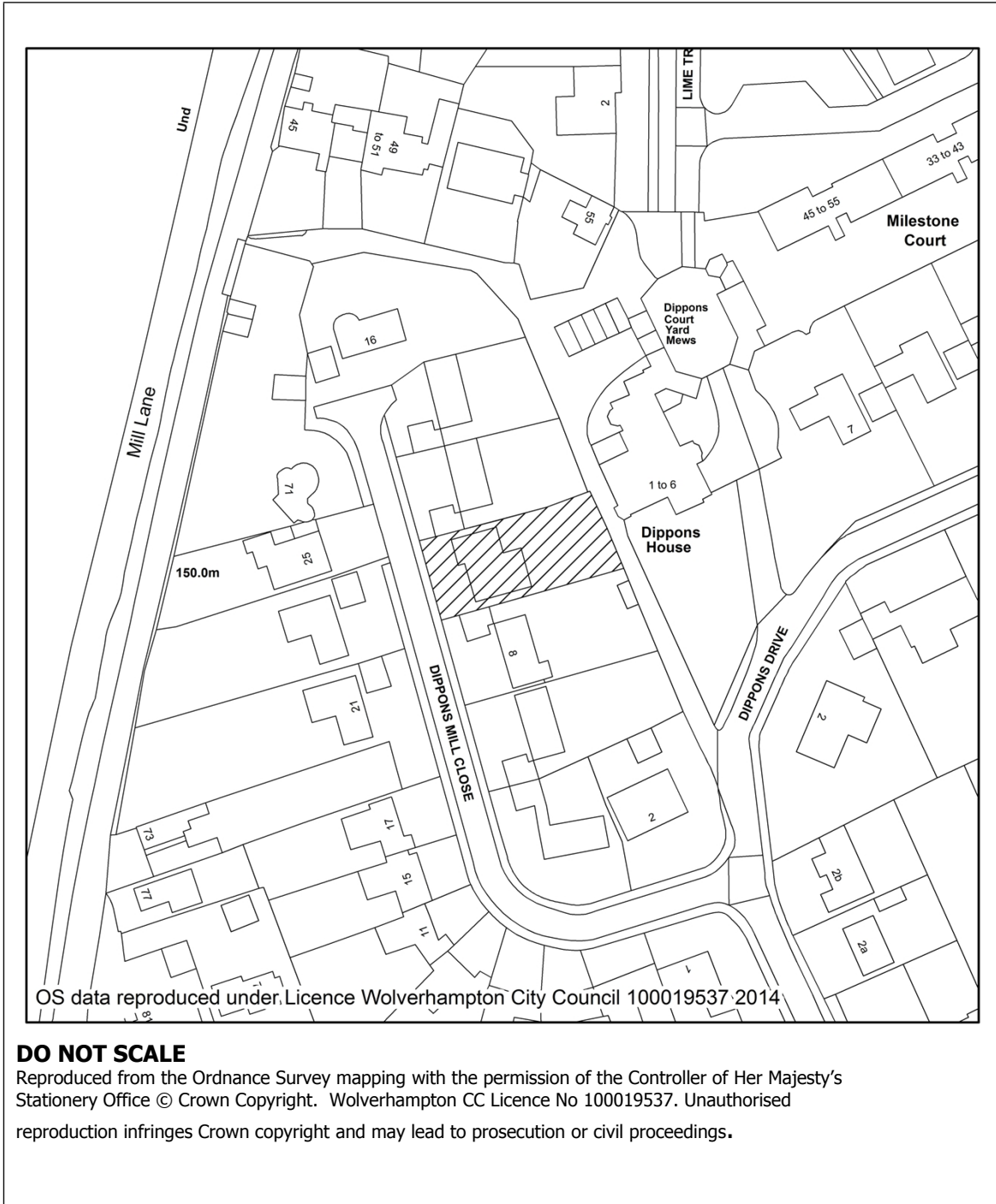
- 9.1 Subject to the necessary conditions, the proposal would be acceptable and in accordance with the development plan (BCCS and UDP policies), SPG 3 and TNP policies.

10. Detailed Recommendation

- 10.1 That planning application 14/00266/FUL be granted, subject to:

(i) Any necessary conditions to include:

- Removal of PD rights for first floor windows in side elevations
- Restrict conversion of garage into separate living accommodation
- Materials to match existing
- Sustainable drainage



This page is intentionally left blank



Planning Committee

18 November 2014

Planning application no.	14/00845/FUL
Site	Land rear of 36 Foley Avenue, Wolverhampton
Proposal	Proposed detached dormer bungalow
Ward	Tettenhall Wightwick
Applicant	Maythorn Developments Ltd
Agent	Mr Jake Sedgemore, Stoneleigh Architectural Services Ltd
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Ragbir Sahota Tel 01902 555616 Email ragbir.sahota@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions

2. Application site

2.1 The application site is the land to the rear of 36 Foley Avenue which extends to the rear of 38 and 40 Foley Avenue. The land in question forms part of the rear gardens of these properties with dense trees/hedges to the boundary with Beechwood Court, Corfton Drive some of which has already been cleared.

2.2 The area is predominantly residential characterised by detached houses and bungalows.

3. Application Details

3.1 The proposals seeks to erect a detached dormer bungalow

3.2 The height of the dormer bungalow is 7metres, has provision for two off street parking spaces within an integral garage and a rear garden of 15 metres.

3.3 The nearest dwelling at 36 Foley Avenue is 15metres away whilst the distance between the proposed dormer bungalow and 18 Foley Drive is 26metres.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 Tettenhall Neighbourhood Plan (TNP)
- 4.4 Supplementary Planning Guidance Note 3 'Residential Development'

5. Environmental Impact Assessment Regulations

- 5.1 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 A total of 17 letters of objection have been received. The concerns relate to:
 - Loss of wildlife/trees
 - Loss of privacy/overlooking
 - Increase in traffic/parking issues
 - Back land development
 - Poor design of dwelling
 - Effect on visual amenities
 - Noise and disturbance during construction

7. Legal Implications

- 7.1 The Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 ("the Habitat Regulations") and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981
- 7.2 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that it is essential that the presence or otherwise of protected species and the extent that

they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.

[KR/06112014/Q]

8. Appraisal

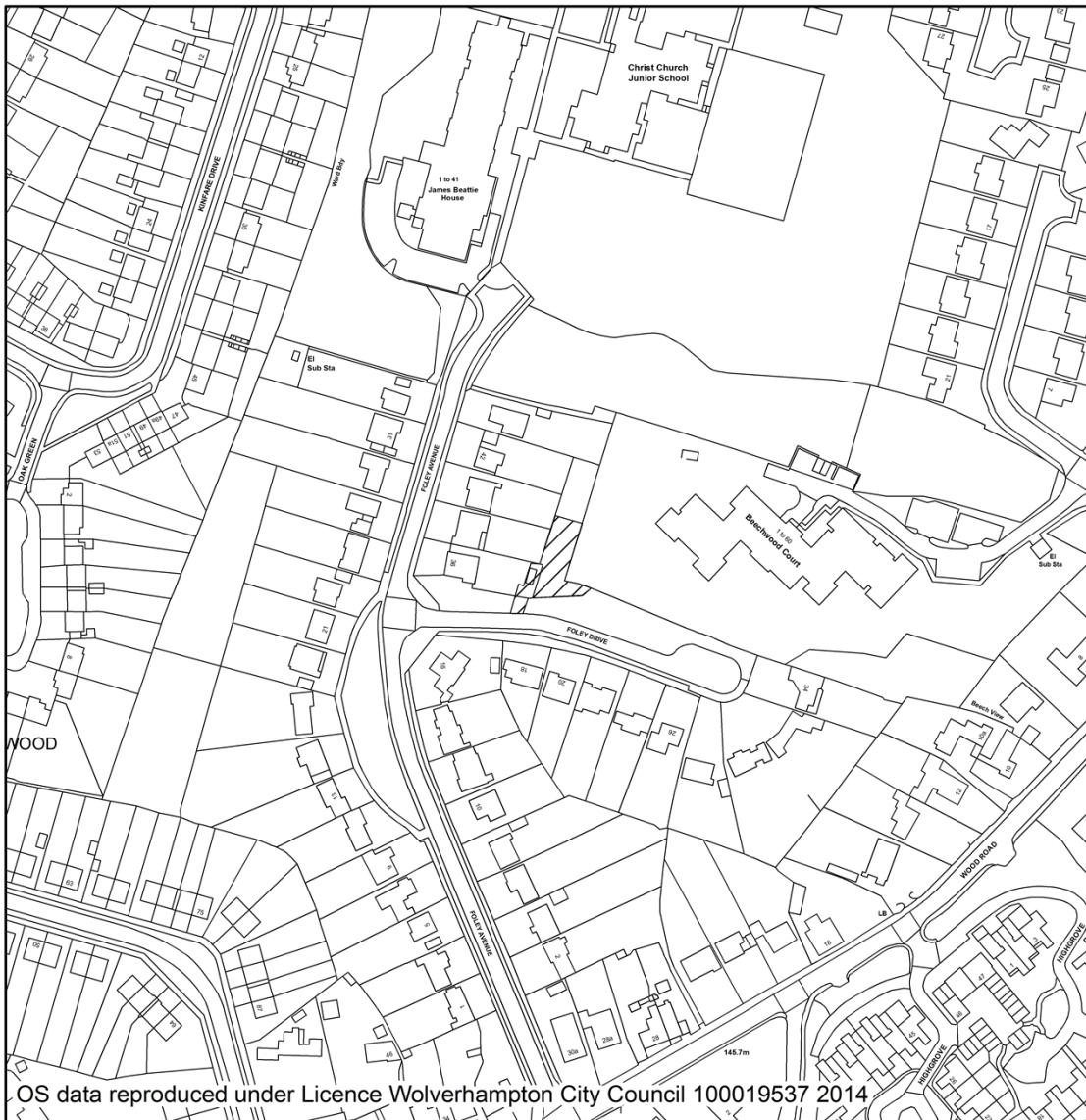
- 8.1 The surrounding area comprises detached bungalows and houses of differing heights and designs. The dormer bungalow in the proposed position against the backdrop of Beechwood Court is considered to be of an appropriate height, scale and massing and as a result is considered to be in keeping with the locality.
- 8.2 The concerns of residents as to the loss of privacy and overlooking as a result of the development are unfounded as the design and layout of the property is such that separation distances between the neighbouring properties are in excess of those within the Councils Supplementary Planning Guidance and the parking provision and private amenities to the dwelling are appropriate.
- 8.3 Concerns have been raised as to the loss of trees however those that have been removed were not protected or of any significant amenity value. It is considered that the further loss of any significant trees are not proposed as a result of this development.
- 8.4 In respect of concerns as to the loss of wildlife, an ecology report has been requested and is awaited. The comments of the report will be updated verbally at the meeting.

9. Conclusion

- 9.1 The proposal is considered to be acceptable in terms of its layout, design and amenities. It has no adverse neighbour impact by virtue of overlooking or loss of privacy and subject to no outstanding issues arising from the Ecology report, the proposal is considered to be acceptable. The proposal is in accordance with the provisions of the BCCS, UDP and the Tettenhall Neighbourhood Plan policies.

10 Detailed Recommendation

- 10.1 That planning application 14/00845/FUL be granted, subject to any necessary conditions to include:
 - Materials
 - Landscaping
 - Boundary treatments
 - Levels
 - Drainage
 - Bin stores
 - Restrict first floor windows/dormers



DO NOT SCALE

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



Planning Committee

18 November 2014

Planning application no.	14/00934/FUL
Site	Former Police Station, Birmingham Road, Wolverhampton
Proposal	Conversion and extension to create 28 apartments
Ward	Blakenhall
Applicant	Mr K Samra
Agent	Mr Jacob Sedgemore
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Tracey Homfray Tel 01902 555641 Email Tracey.homfray@wolverhampton.gov.uk

1 Summary Recommendation

- 1.1 Delegated authority to the Strategic Director for Education and Enterprise to grant planning permission subject to negotiation and completion of a Section 106 Agreement and appropriate conditions.

2. Application site

- 2.1 This former Police Station occupies a prominent position on the corner of Grove Street and Birmingham Road. There are commercial uses adjoining the site, with a bus/car parking depot to the west, Enterprise Car Rental to the north, a Ford Dealership (Commercial and Domestic Vehicles) on the opposite side of the Birmingham Road and other industrial uses on the opposite side of Grove Street.
- 2.2 There is an enclosed yard at the rear of the building, accessed off Grove Street.

3. Application Details

- 3.1 This application follows an earlier application for the creation of 32 apartments (13/00763/FUL) which was refused at Planning Committee on 6th May 2014.

- 3.2 The revised proposal comprises of a conversion into apartments with the removal of rear outbuildings, two first floor rear extensions, and the inclusion of new windows in the eastern, southern and western elevations at second floor level. This amended scheme has been reduced in scale, from 32 apartments to 28 (13 with one bedroom and 15 with two bedrooms). The layout has been amended to include pockets of communal landscaped areas, green walls, green roof tops and deeper windows to the proposed basement apartments, to improve the amenities for future occupiers. The vehicle access from Grove Street would remain, leading to the secure car parking courtyard, where the proposal now includes an increased number of parking spaces, from 16 to 18, and providing areas of cycle/motorcycle parking and bin storage.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
Supplementary Planning Guidance Note 3 Residential Development

5. Environmental Impact Assessment Regulations

- 5.1 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 has been received, objecting on the following grounds:
- Potential for complaints about noise / smell from commercial uses could restrict businesses.

7. Internal Consultees

- 7.1 Transportation – no objection
- 7.2 Environmental Services – no objection subject to air quality / noise assessments and mitigation.

8. Legal Implications

- 8.1 Planning Obligations must as a matter of law 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
- [LD/28102014/A]

9. Appraisal

- 9.1 The area is identified in the Black Country Core Strategy for employment uses. However, because a Police Station is not categorised as an employment use in policy terms, there would be no loss of employment land and so no objection to the residential conversion. Also, the site has been vacant for approximately 24 months and it is important that it is brought back into use rather than fall into dereliction
- 9.2 The appearance from the surrounding roads would not change significantly.
- 9.3 Because this is a conversion of an existing building, there are some compromises with the internal layout, and external space. Some of the apartments would be single aspect and/or have a northerly aspect and some window to window distances are less than 11m. Also there would be little amenity space for residents. However, following the reasons for refusal on the previous application, the applicant has now reduced the number of apartments, increased the parking and provided alterations in the form of larger windows for the basement apartments, and introduced pockets of communal landscaped areas, wall climbers and roof top landscaped areas, to improve the amenities for future occupiers. Therefore, on balance and taking into account the desirability of bringing this prominent building back into use and the provision of 28 homes near to the facilities of the City Centre, the proposal would be considered acceptable.
- 9.4 The scheme of apartments has been reduced in number and the car parking/motorcycle and cycle provision has been increased, therefore, the proposal with respect to transportation is considered to be acceptable.
- 9.5 The close proximity of commercial uses and main roads has the potential to cause noise and air quality problems. A condition requiring a noise and air quality study and mitigation measures is therefore required.
- 9.6 In accordance with development plan policies there is a requirement for the following:
- Affordable housing (25%)
 - Off-site open space and play contribution (£71,876.10)
 - 10% renewable energy generation
 - Targetted recruitment and training
 - Management company
- 9.7 The applicant has requested that these requirements are waived on the basis of financial viability, supported by a financial viability appraisal. It would be appropriate and in accordance with local and national policy to reduce Section 106 requirements commensurate with the lack of financial viability.
- 9.8 The District Valuer has now confirmed that the development would not be sufficiently viable to provide an off-site open space/play contribution or renewable energy generation, and affordable housing.

10. Conclusion

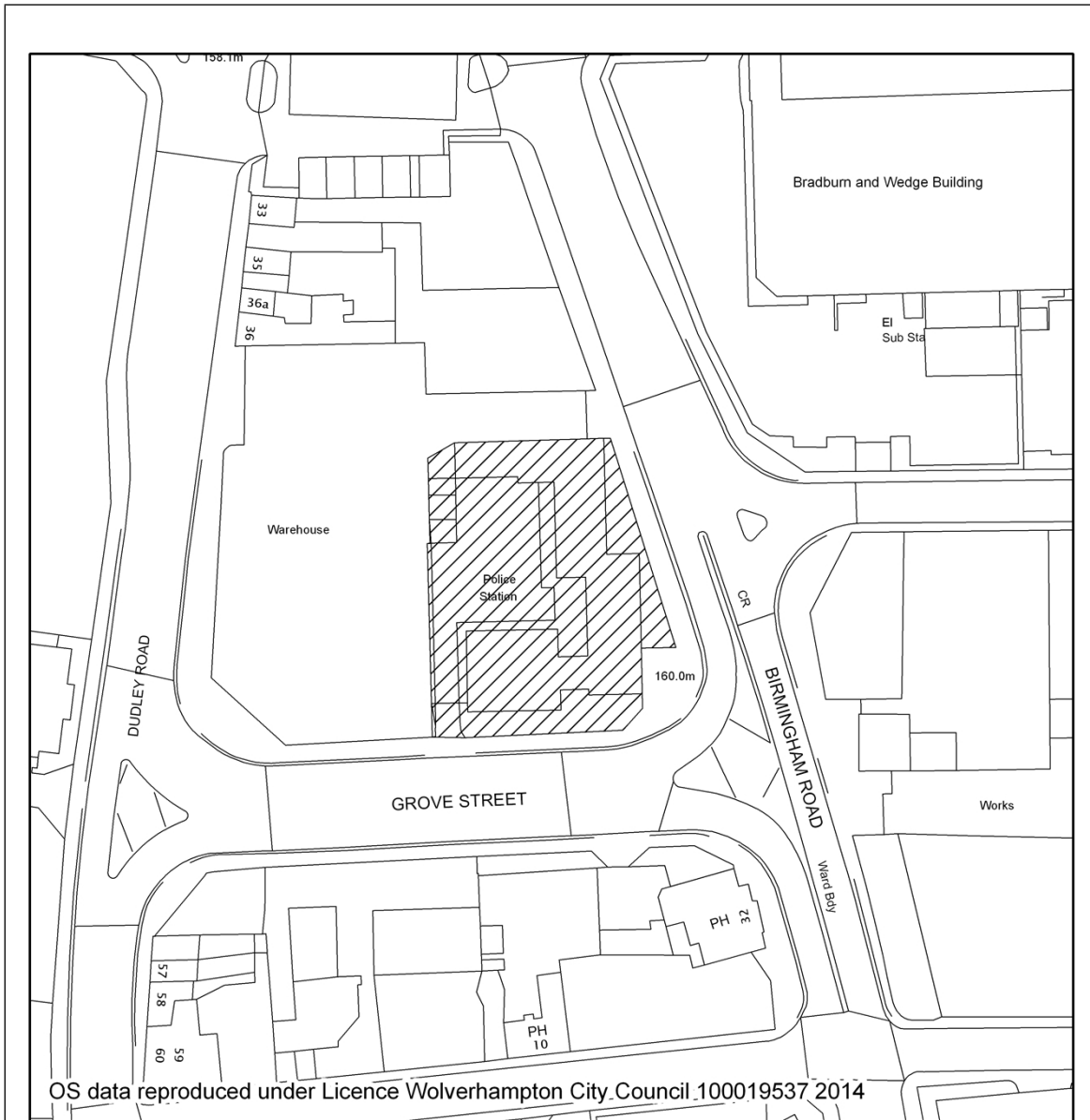
10.1 Subject to a Section 106 and conditions as recommended, the proposal would be acceptable and in accordance with the development plan.

11 Detailed Recommendation

11.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/01262/FUL subject to:

- (i) Completion of a Section 106 Agreement requiring:
 - Open space / play contribution, renewable energy and the balance of the affordable housing to be waived, on a pro-rata basis, for all apartments which are ready for occupation within 3 years of the date that a lack of viability is demonstrated.

- (ii) Any appropriate conditions including:
 - Noise/air quality assessment and mitigation measures
 - Materials / window details;
 - Car/cycle/motorcycle parking provision
 - Security gates – details and provision
 - Bin store provision;
 - Landscaping



DO NOT SCALE

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

This page is intentionally left blank



Planning Committee

18 November 2014

Planning application no.	14/00828/OUT
Site	King Charles Public House, Cromwell Road, Wolverhampton
Proposal	Outline Application – Demolition of public house and the erection of 14 dwellings
Ward	Bushbury North
Applicant	Malvern Estates Plc
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Ragbir Sahota Tel 01902 555616 Email ragbir.sahota@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Delegated authority to grant subject to a S106 agreement and conditions.

2. Application site

- 2.1 The application site is the King Charles public house and its car park, which occupy the land surrounded by Cromwell Road and Cavalier Circus.
- 2.2 The surrounding area is predominantly residential.

3. Application Details

- 3.1 The outline application is for the demolition of the public house and the erection of 14 dwellings. Access and layout are submitted for determination, with appearance, landscaping and scale reserved for subsequent approval.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 SPG 3 'Residential Development'

5. Environmental Impact Assessment Regulations

- 5.1 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 Seven letters have been received in respect of this proposal. Four in support mention the poor condition of the pub, its replacement with quality housing, improve the area and the noise, disturbance and anti-social behaviour associated with the public house. Two letters object to the loss of the public house as a community facility and one raises concerns about the road junction and the disturbance during construction.

7. Legal Implications

- 7.1 Paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Further to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Policy C3 of the UDP advises that, where appropriate, this type of facility should be retained. KR/06112014/B

8. Appraisal

- 8.1 Although not specifically identified for development within the UDP, the site is situated within a predominantly residential area and the public house appears to be in decline.
- 8.2 The proposal will result in the loss of a community facility. However the applicant has identified nearby public houses and community facilities which meet local needs namely The Moreton Arms, Moseley Park public house which are both approximately a mile away and within 500metres is The Bushbury Neighbourhood Community Centre. In addition the pub is in a dilapidated state and there is anecdotal evidence of anti-social behaviour. On balance, the proposal accords with UDP Policy C3.

- 8.3 Access and layout are included for determination at this stage. The access details and layout shown are acceptable.
- 8.4 The NPPF introduces a presumption in favour of sustainable development and states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal would represent sustainable development, would improve the appearance of this prominent site, provide further housing and create jobs during construction.
- 8.5 In accordance with the development plan, a S106 agreement is required to secure:
- Public open space contribution £105,621
 - 10% renewable energy
 - Targeted recruitment and training

9. Conclusion

- 9.1 Subject to a S106 and conditions as recommended, the development would be acceptable and in accordance with the development plan.

10. Detailed Recommendation

- 10.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00828/OUT subject to:
- i) Completion of a S106 Agreement to secure:
- Public open space contribution - £105,621 to improve Northwood Park
 - 10% renewable energy
 - Targeted recruitment and training
- ii) Any appropriate conditions including:
- Standard outline conditions
 - Means of demolition and details of reinstatement
 - Drainage
 - Levels
 - Construction management plan (including hours of construction)
 - Landscaping
 - Boundary treatments
 - Materials
 - Parking areas to be provided
 - Remove permitted development rights
 - Remove permitted development rights for first floor windows at Plot 14

Notes for Information

Mining Advice Area



OS data reproduced under Licence Wolverhampton City Council 100019537 2014

DO NOT SCALE

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