

Planning Committee

21 July 2015

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 Greg Brackenridge
Cllr Dr Michael Hardacre
Cllr Keith Inston
Cllr Jasbir Jaspal
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Bert Turner

Conservative

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:

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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 5 - 8)
[To approve the minutes of the previous meeting (2 June 2015) as a correct record] |
| 4 | Matters Arising
[To consider any matters arising] |

DECISION ITEM

- | | |
|----|---|
| 5 | Planning application 15/00597/FUL Land south of 71 Upper Villiers Street, Wolverhampton
[To determine the application] |
| 6 | 15/00447/FUL 77 Overfield Drive, Wolverhampton
[To determine the application] |
| 7 | 15/00617/RC Arts and Drama Centre, Wolverhampton Grammar School, Merridale Lane, Wolverhampton
[To determine the application] |
| 8 | 15/00144/FUL 11 Waterloo Road, Wolverhampton
[To determine the application] |
| 9 | 14/01283/FUL The Ashmore Public House, Griffiths Drive, Wednesfield
[To determine the application] |
| 10 | 15/00563/FUL Chubb Locks Unit, Well Lane, Wednesfield
[To determine the application] |
| 11 | 15/00305/FUL Former Edward Vaughan Stamping Works, Horseley Fields, Wolverhampton
[To determine the application] |
| 12 | 15/00524/FUL Former Bird in Hand Public House, School Road, Tettenhall Wood
[To determine the application] |

INFORMATION ITEM

- | | |
|----|--|
| 13 | Former Steam Mill, Corn Hill, Wolverhampton |
|----|--|

[NOT PROTECTIVELY MARKED]

[To note action taken under Section 78 of the Building Act 1984 (Dangerous building – emergency measures)]

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Planning Committee

Minutes - 2 June 2015

Attendance

Councillors

Cllr Linda Leach (Chair)
Cllr Harman Banger (Vice-Chair)
Cllr Greg Brackenridge
Cllr Dr Michael Hardacre
Cllr Keith Inston
Cllr Jasbir Jaspal
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson
Cllr Bert Turner
Cllr Jonathan Yardley

Employees

Stephen Alexander	Head of Planning
Lisa Delrio	Senior Solicitor
Andy Carter	Senior Planning Officer
Carl Craney	Democratic Support Officer
Colin Noakes	Planning Officer
Tim Philpott	Lead Transport Officer
Phillip Walker	Planning Officer
Charlotte Morrison	Section Leader

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

Cllr Jonathan Yardley declared a personal interest in Agenda Item No. 9 (Planning application 1500497 Tettenhall Wood Special School (part), School Road, Wolverhampton) inasmuch as he was acquainted with the applicant.

3 Minutes of the previous meeting

Resolved:

That the minutes of the previous meeting (24 March 2015) be confirmed as a correct record and signed by the Chair.

4 Matters Arising

There were no matters arising from the minutes of the meeting held on 24 March 2015.

5 Planning application 1500289 The Clock House, 5 Stockwell Road, Tettenhall

Mr Murray spoke in opposition to the application.

Ms Matthewson spoke in support of the application.

Some Councillors expressed concern in relation to the impact of the proposal on the character and appearance of the Conservation Area, that it was not in accordance with the development plan and would also have a negative impact on the condition of protected trees. Furthermore, the proposal was out of scale, would dwarf the Victorian frontages and would be detrimental to natural wildlife.

Resolved

That planning application 15/00289/FUL be refused for the following reasons: The scale, mass and height of the proposed building are out of character with the area, resulting in a loss of important views. The proposed highway calming in Stockwell Road would have a detrimental impact on the character of that route. The proposed parking and proximity of the building would have a negative impact on the protected trees on the site, and also the protected Horse Chestnut Tree in the rear garden of 2 The Cedars. The proposals therefore fail to preserve or enhance the Tettenhall Greens Conservation Area.

Relevant policies: BCCS policies ENV2 and ENV3, UDP policies HE1, HE3, HE5, D6, D7, D8, and G3, TNP policies TNP12 (Parts A, B & D), NPPF paragraphs 131, 132 & 134.

6 Planning application 1500239 15 Church Hill Wolverhampton

The Planning Officer informed the Committee that a petition containing 103 signatures had been received in opposition to the proposal.

Mrs Large spoke in opposition to the application.

Various concerns about the proposal were discussed. Some Councillors expressed concern that a similar proposal had been refused recently and the likelihood of emergency vehicles having difficulty accessing The Fold. Planning Officers agreed that, on balance, parking and access objections were sustainable but advised that lack of privacy was not a robust reason for refusal.

Resolved

That planning application 15/00239/FUL be refused for the following reason:

1. The proposed development represents overdevelopment of the site which would lead to a cramped layout and over concentration of built development with inadequate and impractical amenity space, to the detriment of the character and

appearance of the area. The overdevelopment of the site and the intensification of the access into The Fold would be contrary to the urban grain, create an unnecessary and detrimental impact on the urban grain, and would lead to inconvenient, unnecessary and poor parking practices in The Fold, to the detriment of the character and appearance of the area. The proposed development is therefore contrary to UDP policies D3 “Urban Structure”, D4 “Urban Grain”, D6 “Townscape and Landscape”, D7 “Scale - Height”, D8 “Scale – Massing”, D9 “Appearance” and AM15 “Road Safety and Personal Security”; BCCS policies CSP4 “Place-Making”, ENV2 “Historic Character and Local Distinctiveness”, ENV3 “Design Quality” and Supplementary Planning Guidance No. 3.

2. The development would cause an unacceptable impact on the reasonable amenities of neighbours by virtue of loss of privacy and overbearing impact. The proposed development is therefore contrary to UDP policies D4 “Urban Grain” and D8 “Scale – Massing”; BCCS policies CSP4 “place Making”, ENV2 “historic Character and Local Distinctiveness” ENV3 “design Quality” and Supplementary Planning Guidance No.3.

7 Planning application 1500367 The Bradmore Garage, Trysull Road, Wolverhampton

Mr Curley spoke in support of the application.

Resolved

That planning application 15/00367/FUL be granted subject to any appropriate conditions including:

- Drainage
- Appropriate signage depicting traffic flow and instructing engines and audio equipment is turned off.
- All car cleaning operations to be carried out in existing buildings
- No diesel powered machinery
- Restrict hours of use

8 Planning application 1500139 5 Park Drive Wolverhampton

Mr Randhawa spoke in opposition to the application.

Mr Mistry spoke in support of the application.

Some Councillors expressed concern about the overdevelopment of the site and the detriment to the street scene.

Resolved

That planning application 15/00139/FUL be refused for the following reasons: The proposal constitutes overdevelopment of the site. The subdivision of plots would cause unacceptable harm to the street scene through a reduction in the distance between properties. This would cause an adverse impact on the spacious and open character of the area and cause a cramped and unduly urbanised appearance. The

development would not be in keeping with the character and appearance of the area, contrary to BCCs policy HOU2, CSP4 and UDP policies D4, D5, D8, D9 and SPG3.

9 **Planning application 1500497 Tettenhall Wood Special School (part), School Road Wolverhampton**

The Planning Officer informed the Committee that an additional six letters opposing the application had been received. He explained that although the Victorian building was of great architectural merit the Committee was required to consider the proposal before it today. He also explained that if an application came in for more houses at a later date, the requirement for Section 106 contributions would be triggered.

Mr C Randles spoke in opposition to the application.

Mr M Dauncey spoke in support of the application.

Some Councillors expressed concern about the scale, mass and height of the proposal and the potential loss of views likely to be suffered by adjacent property owners. Furthermore, concern was expressed about the future of the remainder of the site and the potential loss of the historic Victorian School building. An application dealing with the whole site was viewed as preferable including bungalows at the rear of the site rather than two storey housing as currently proposed. There was particular concern about the impact of the development on number 16 Woodfield Avenue.

It was proposed by Cllr Harman Banger and seconded by Cllr Mrs Wendy Thompson that the application be refused. The Planning Officer explained that there was a possibility of an amended application being submitted. By way of an amendment, it was proposed by Cllr Judith Rowley and seconded by Cllr John Rowley that consideration of the application be deferred to allow the Case Officer to meet with the developer with a view to securing an improved scheme. On being put to the vote the amendment was declared carried.

Resolved:

That consideration of the application be deferred to allow the Case Officer to meet with the developer with a view to securing an improved scheme.

10 **Planning applications 1500290 and 1500291 Former Springfield Brewery (part) Cambridge Street Wolverhampton**

The Planning Officer informed the Committee that an additional condition in relation to the extension of the existing 20mph speed limit into Cambridge Street was now proposed.

Some Councillors expressed concern about the proposed parking provision.

Resolved

That the Strategic Director Place be given delegated authority to grant planning applications 15/00290/FUL and 15/00291/LBC subject to:

- (i) Satisfactory bat survey

(ii) Subject to any appropriate conditions:

15/00290/FUL

- Materials
- Archaeological watching brief
- Drainage
- Landscaping
- Accord with recommendations of ecology survey
- Hours of operation during construction
- Construction method statement
- Land contamination
- Lighting details
- Temporary weldmesh fencing
- Targeted recruitment and training
- Renewable energy
- Extension of 20 mph speed limit

15/00291/LBC

- Detailed strategy for building exterior
- Detailed strategy for internal works of former stable block

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Planning Committee

21 July 2015

Planning application no.	15/00597/FUL
Site	Land South of 71 Upper Villiers Street, Wolverhampton
Proposal	Erection of four three bedroom semi-detached houses.
Ward	Blakenhall
Applicant	Mr. Gurpreet Singh
Agent	Mr. John Bradbury
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards , Service Director, City Assets
Planning officer	Name Marcela Quinones Herrera Tel 01902 555607 Email Marcela.QuinonesHerrera@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

- 2.1 The application site is located on the eastern side of the junction of Upper Villiers Street and Goldthorn Hill. The site is derelict residential land and has a vehicular access point off Upper Villiers Street.
- 2.2 The site is currently surrounded by a brick boundary wall facing onto Goldthorn Hill, a close boarded fence on the west and north of the site some of which abuts a public right of way and temporary galvanised fencing facing onto Upper Villiers Street.
- 2.3 The immediate neighbouring properties are No. 71 Upper Villiers Street towards the north of the site and No. 154 Goldthorn Hill on the northeast. Across Upper Villiers Street opposite the application site is No. 152 Goldthorn Hill a grade II listed building.
- 2.4 Upper Villiers Street slopes up towards Goldthorn Hill. The application site is located at the top of Upper Villiers Street. The difference in levels from the application site and property No. 71 Upper Villiers is approximately one metre.

3. Application Details

- 3.1 This application proposes four semi-detached dwellings and associated shared parking. Each dwelling has two storeys in height and would have 2 double bedrooms and one single bedroom.
- 3.2 The proposed buildings would face onto Goldthorn Hill.
- 3.3 The vehicular access would be off Upper Villiers Street. Eight car parking spaces including a disabled space is proposed at the rear of the site. Rear access from the car park into the properties is gained through the each of the garden areas.
- 3.4 A motorcycle storage area is also provided within the parking area.
- 3.5 A new brick wall with piers and railings fronting Upper Villiers Street and part of the public alley is proposed.
- 3.6 The close boarded fencing immediately adjacent to proposed plot 1 and facing onto the alley would be replaced by a new brick wall.
- 3.7 The boundary treatment along the proposed parking area and the public right of way would be a brick wall with railings.
- 3.8 Close boarded fencing is also proposed adjacent to No. 72 and No. 71 Upper Villiers Street. A retaining wall along the existing boarded fence at No. 71 Upper Villiers is also proposed.
- 3.9 Private amenity space for each of the proposed dwellings would range from 59m² to a maximum of 113m². The proposed dwellings will benefit from long front gardens.
- 3.10 The design would be mainly traditional in appearance with contemporary canopy roofs and a corner feature highlighting its position. No details of materials have been submitted.
- 3.11 Pre-application advice was sought for this proposal.

4. Relevant Planning History

- 4.1 04/1132/OP/R Outline application for four residential dwellings similar to the current proposal, granted on the 05.10.2004.
- 4.2 08/01488/FUL application for the erection of four three bedroom semi-detached houses and associated shared parking. This application was granted on the 27.01.2009 and its submission is exactly the same proposal as the current one.
- 4.3 11/01214/EXT extension of time for application reference No. 08/01488/FUL – granted on the 27.01.2012.

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 Supplementary Planning Guidance No. 3 Residential Development

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 Three letters of objection received and one request to speak. The objection letters describe the following planning matters:
 - Overdevelopment
 - Detrimental to highway safety
 - Detrimental effect on future residents due to close proximity to Goldthorn Hill
 - House forward existing building line at Goldthorn Hill
 - Unpleasant appearance
 - Detrimental effect to the listed building
 - Existing plans and D&A Statement inaccurate
 - Loss of privacy of No. 71 Upper Villiers Street

8. Internal Consultations:

- 8.1 Transportation – No objections subject to conditions.
- 8.2 Environmental Health – No objections subject to conditions.

9. External Consultations:

- 9.1 Severn Trent – Awaiting comments.

10. Legal Implications

- 10.1 The National Planning Policy Framework states that in assessing and determining planning applications, Local Planning Authorities should apply a presumption in favour of sustainable development Particular legal implications text will be added by legal.
Reference LM/06072015/J

11. Appraisal

- 11.1 The proposed development would be located on a vacant site. Planning permission has been previously granted for the proposed development and the site was previously used for residential purposes. The site is located within a wholly residential area and therefore, the principle of residential development is acceptable at this particular location.
- 11.2 The proposed buildings run almost parallel to Goldthorn Hill following existing buildings lines. The buildings will step along a staggered line addressing its prominent corner position and following Upper Villiers Street building line.
- 11.3 The proposed houses would face onto the street frontage, reinforcing a sense of enclosure to the street and clearly defining the public and private realms. The main entrances to the proposed houses are clearly defined by its design and the rear car parking area is well integrated into the design of the development.
- 11.4 The proposed corner building takes the opportunity to turn and mark the corner enhancing the legibility and increasing the level of privacy to the rear of the properties. Overall, the proposed layout is considered to be an appropriate form of development, which takes into account the characteristics of the area and surrounding road network.
- 11.5 Surrounding buildings are mainly two storey houses and the height and design of the new development reflects this.
- 11.6 Details of all boundary treatments and security gates will be required as a condition.
- 11.7 The proposed buildings are located approximately 22.5m away from property No. 71 and would have little or no impact on neighbouring amenities by virtue of this separation distance.
- 11.8 Due to its location and appropriate height, it is considered that the proposed development would respect the privacy, daylight and outlook to adjacent dwellings as well as providing adequate private amenity space provision for all of the plots.
- 11.9 The NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits. The proposed development will improve the general environment of surrounding properties in that a derelict plot of land would be replaced by a new residential development provided by good design and layout with adequate provision of parking spaces and in a landscaped setting. Therefore, the design of this development would be acceptable subject to the submission of materials which will be required as a planning condition.

12. Conclusion

- 12.1 The development is considered acceptable and in accordance with the development plan and is a scheme which has been approved previously.

13. Detailed Recommendation

13.1 Grant planning application 15/00597/FUL subject to no objections from Severn Trent and any appropriate conditions including:

Motorcycle locking rail details

Materials

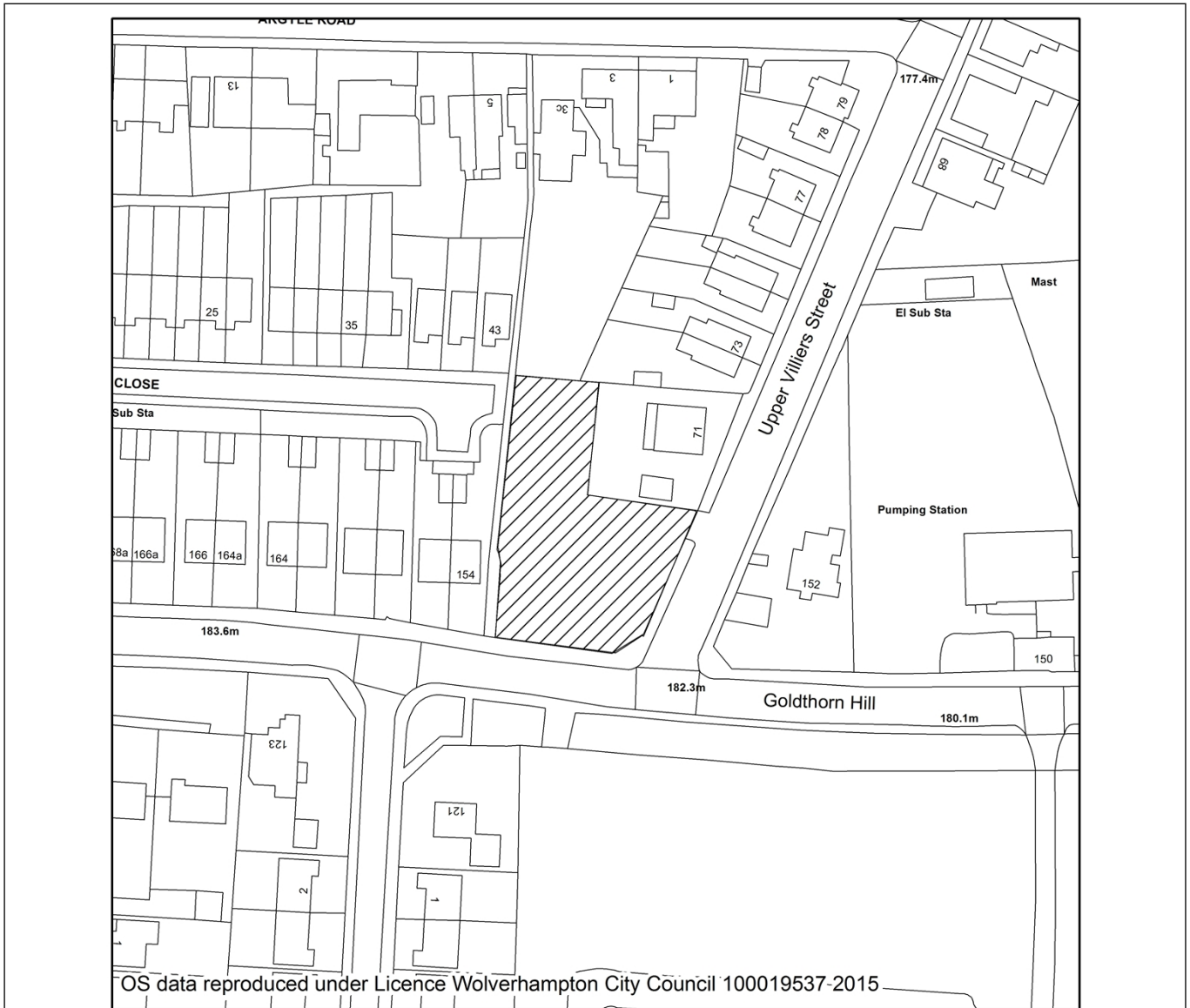
Acoustic glazing

Acoustic treated trickle vents

Hours of operation and methods of work in accordance with Construction Management Plan

Boundary and Security gates details and materials

Provision of gardens and hard landscaping as approved



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Planning Committee

21 July 2015

Planning application no.	15/00447/FUL
Site	77 Overfield Drive, Wolverhampton, WV14 9XW
Proposal	First floor side extension
Ward	Ettingshall
Applicant	Mr Sukhbinder Singh
Agent	Mr J K Kalsi
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards , Service Director, City Assets
Planning officer	Name Laleeta Butoy Tel 01902 555605 Email laleeta.butoy@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Refuse

2. Application site

2.1 The site is a two storey detached modern dwelling located in a cul-de-sac.

3. Application Details

3.1 The application is for a first floor side extension approximately 7.5 metres in length and sides onto the rear of No. 6 Capponfield Close.

4. Planning History

4.1 06/0858/FP/R Retrospective conservatory at rear Granted on 04 August 2006

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)
Supplementary Planning Guidance No.3 - Residential Development

6. **Publicity**

- 6.1 One letter of objection has been received from a neighbour raising the following issues:

- Overbearing impact
- Poor outlook
- Visual impact.

7 **Legal Implications**

- 7.1 There are no legal implications arising from this report.
(LD/06072015/A)

8. **Appraisal**

- 8.1 The proposed first floor side extension sides onto the rear garden of No. 6 Capponfield Close. The whole side elevation from front to rear would extend the full width of the neighbour's property.
- 8.2 The proposal would by virtue of its scale, height, mass and proximity have an unacceptable detrimental impact adversely affecting neighbour amenity particularly those at 6 Capponfield Close.
- 8.3 These impacts would consist of poor outlook, overbearing and visual impact upon the enjoyment of the rear aspect of the garden.
- 8.4 Despite the extension being set in slightly from the adjoining boundary with No. 6 Capponfield Close and meets the supplementary planning guidance No.3 of 12 metre distance between gable and window, the proposal has been assessed on its own individual merit and due to the close proximity and oppressive impact the proposal is considered unacceptable.
- 8.5 The proposal is considered contrary to relevant UDP Policies: D7, D8 and BCCS Policy ENV3

9. **Conclusion**

- 9.1 Whilst the proposal technically meets the specified guidance of being located 12 metres from the rear of the neighbours' property, this is only guidance and each case must be considered on their own merits. In this instance the proposal is considered to have an unacceptable impact.

10. Detailed Recommendation

- 10.1 That planning application 15/00447/FUL be refused on the grounds of poor outlook, overbearing and visual impact. Contrary to relevant UDP Policies: D7, D8, H6 and BCCS Policy ENV3



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Planning Committee

21 July 2015

Planning application no.	15/00617/RC
Site	Arts And Drama Centre, Merridale Lane, Wolverhampton
Proposal	Removing conditions from a previous planning permission – Variation of conditions 12 and 14 of planning permission 05/1029/FP/M (two storey arts and drama facility) to allow use by non-school groups and increase evening performances up to a maximum of 75 in a year.
Ward	Park
Applicant	Wolverhampton Grammar School
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Service Director	Nick Edwards, City Assets
Planning officer	Name Andrew Johnson Tel 01902 551123 Email andrewk.johnson@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is the Arts and Drama Centre for Wolverhampton Grammar School located on Merridale Lane. The building includes classrooms and a drama performance facility.

3. Application Details

3.1 Variation of conditions 12 and 14 of planning permission 05/1029/FP/M to allow use by non-school groups and increase evening performances up to a maximum of 75 in a calendar year.

Planning history

4.1 Relevant planning history:

15/00616/FUL - Alterations and extensions to car park to create an additional 20 spaces
- Application under consideration.

05/1029/FP/M - Brincars Citroen, Merridale Lane - Arts & drama facility for
Wolverhampton Grammar School, comprising a two storey building, six parking spaces
and associated landscaping. Granted by Planning Committee 26 September 2005.

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)

6. Publicity

- 6.1 Eight letters of objection have been received. Reasons for objection include impact on amenity and highway safety.

7. Consultees

- 7.1 Transportation – No objections.
- 7.2 Environmental Health – No objections. The building is well designed acoustically.

8. Legal Implications

- 8.1 A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of ‘material change of use’; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.
- 8.2 The National Planning Policy Framework (NPPF) states that local planning authorities should look for solutions rather than problems. Further local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
- 8.2 The NPPF further 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.
LM/07072015/K

9. Appraisal

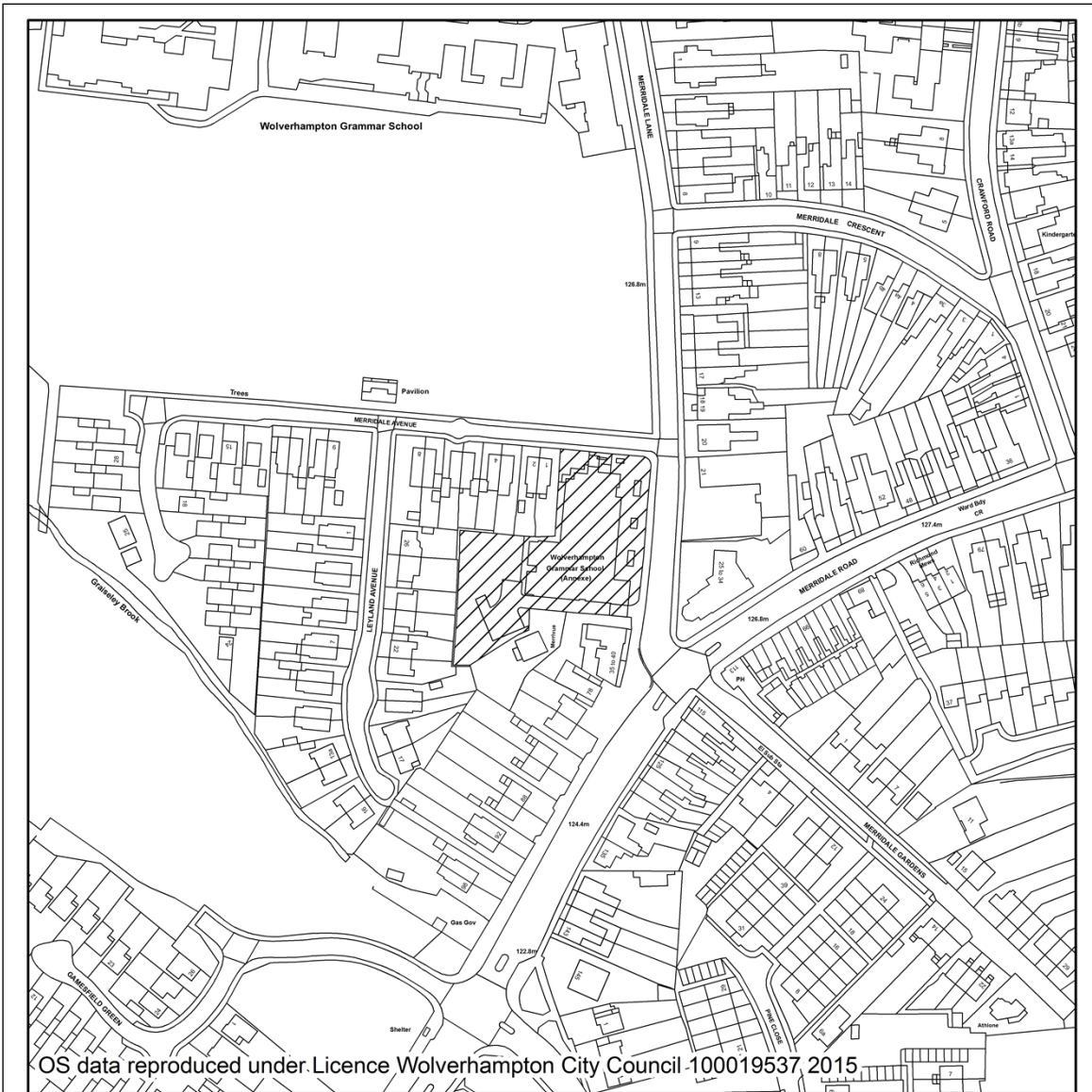
- 9.1 The premises forms part of the Wolverhampton Grammar School. The current planning permission allows the school evening use of the building for up to 20 performances in a calendar year. No other groups are currently permitted to use the building.
- 9.2 It is typical for communities to use school facilities for non-curricular/education activities. Many school sites provide facilities for scouting/guide organisations, dance groups, swimming clubs, fitness classes, sporting and entertainment organisations. These activities do not override the principle use as a school and, due to their limited usage, are ancillary to the lawful use of the building as an educational facility.
- 9.3 The proposals would allow ancillary use by non-school groups. Evening performances would be limited up to a total of 75 performances in a calendar year (this figure includes use by school and non-school groups).
- 9.4 The building includes acoustic treatment that adequately protects amenity for nearby residents. The increase in evening performances would not cause undue impact on amenity.
- 9.5 In order to deter parking on the highway, patron parking for evening performances is currently managed by the school and takes place on the main school site. This is controlled by planning condition and is also subject to an approved travel plan. A revised travel plan can be conditioned so that this arrangement continues.

10. Conclusion

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

11. Detailed Recommendation

- 11.1 That planning application 15/00617/RC be granted, subject to any appropriate conditions including:
- Ancillary use (no changes of use from education facility)
 - No more than a total of 75 evening performances in a calendar year
 - Hours of operation
 - Obscurely glazed rear windows
 - Travel plan
 - Accordance with approved acoustic report



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Planning Committee

21 July 2015

Planning application no.	15/00144/FUL
Site	11 Waterloo Road, Wolverhampton
Proposal	Change of use of lower ground floor from gym to small apartments with communal living/dining areas (House in Multiple Occupation)
Ward	St Peters
Applicant	Mr Nick Sanghera
Agent	Mr John Mason
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards, Service Director, City Assets
Planning officer	Name Ragbir Sahota Tel 01902 555616 Email Ragbir.sahota@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant.

2. Application site

2.1 The application site is a Victorian property with distinctive detailing. The property is situated within the Wolverhampton City Centre Conservation Area and is within the Waterloo Road/Darlington Street Quarter as identified within the Councils Unitary Development Plan (UDP).

2.2 The street scene is predominantly commercial in character and comprises a mix of historic and modern buildings.

3. Application Details

3.1 The proposal is to convert the lower ground floor formerly a gym, into nine small apartments which all have individual kitchens and bathrooms with communal dining/living areas. The communal dining and living areas are situated to the rear of the building fronting Clarence Road.

3.2 There is provision for four parking spaces to the rear and an external bin store.

3.3 The proposal primarily comprises internal alterations with minimal external alterations which include rooflights and changes to the rear elevation to reconfigure door and window arrangements fronting Clarence Road.

4. Constraints

4.1 Wolverhampton City Centre Conservation Area

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)

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 Three letters of objection have been received. The main concerns are the inappropriate use of HMOs in an office/commercial environment, the density of the development, poor light and ventilation for occupants of the residential units, risk of fire, inadequate amenity space and lack of parking.

8. Legal Implications

8.1 S55(2)(f) of the Town and Country Planning Act 1990 requires that planning permission be obtained for the development of land, including the making of the material change in the use of any building or land. The Town and Country Planning (Use Classes) Order 1987 prescribes a number of classes of use. A use not falling within a specific class is a sui generis use. The existing use for a gymnasium falls under Class D2 (Assembly and leisure) and the proposed use for apartments is a sui generis use.

8.2 When an application is situate in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 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 Section 73 of the Act.
KR/10072015/C.

9. Appraisal

- 9.1 The application site is within the Waterloo Road/Darlington Street Quarter of the Councils Unitary Development Plan (UDP) which seeks to encourage high quality mixed use development along Darlington Street and to encourage Waterloo Road as a focus for office development. The policy primarily relates to offices on ground and upper floors fronting Waterloo Road and as this proposal seeks to convert the lower ground floor of this property to nine small apartments, the proposal is considered acceptable. Furthermore it is anticipated that the revenue of the lower floor as residential would contribute to bringing back into use the vacant upper floors of the building and thus providing a mixed use development contributing to the vitality and viability of the area.
- 9.2 The proposal has been designed to include a communal living room, dining room and kitchen to the rear of the building fronting Clarence Road to offer occupants communal living areas with natural light and views. The nine small apartments primarily have rooflights for natural light and therefore the communal areas offer an alternative for residents to enjoy which is considered to be acceptable in respect of housing standards. Concerns were also raised in respect of an internal bin store which has now been relocated to the rear of the building on Clarence Road.
- 9.3 The location of the bin store to the rear of the building and the rendering to the elevation fronting Clarence Road makes a positive contribution to the street scene and is considered to have no adverse impact on the character and appearance of the Conservation Area and overall the proposal is considered to be acceptable.

10. Conclusion

- 10.1 The proposal brings back into use part of this redundant building, results in a mixed use development adding to the vitality and viability of the area. The number of units is considered to be appropriate and the proposal has no adverse impact on the Conservation Area. As such the proposal is considered to be acceptable and in accordance with UDP and BCCS policies.

11. Detailed Recommendation

- 11.1 That planning application 15/00144/FUL be granted, subject to any appropriate conditions including:
- Submission of materials
 - Details of bins stores



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Planning Committee

21 July 2015

Planning application no.	14/01283/FUL
Site	The Ashmore Public House, Griffiths Drive, Wednesfield
Proposal	Erection of two retail units, including an ATM, refuse and plant area.
Ward	Wednesfield North
Applicant	New River Retail Property Trust No. 4
Agent	Tom Hallett, Peter Brett Associates
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards Service Director City Assets
Planning officer	Name Ann Wheeldon Tel 01902 550348 Email Ann.wheeldon@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is a grassed area within the car park to the existing Ashmore Public House. It is located within Ashmore Park local centre and has residential dwellings situated to the rear. There is a levels difference within the site with the land level sloping away towards the dwellings to the south and beyond.

3. Application details

3.1 The application is for the erection of two retail units, including an ATM, refuse and plant area within the car park of the pub. The public house will be retained.

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)

5. Publicity

- 5.1 A 130-name petition and four letters of objection have been received on the following planning grounds:
- Loss of trade to existing shops
 - Loss of jobs
 - Increased traffic will lead to noise and pedestrian safety issues
 - Loss of light and privacy to neighbouring dwellings
 - Height of the proposed fence

6. Internal Consultees

- 6.1 Transportation: no objections
- 6.2 Environmental Health: conditions regarding hours of operation during construction, hours of use and deliveries, noise report regarding proposed location of fixed plant, demolition method statement, construction management plan, specification of acoustic fence.

7. External Consultees

- 7.1 Coal Authority: Coal Mining Risk Assessment required.

8. Legal Implications

- 8.1 The National Planning Policy Framework states that in assessing and determining planning applications, Local Planning Authorities should apply a presumption in favour of sustainable development.
- 8.2 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. Reference LM/09072015/P.

9. Appraisal

- 9.1 The application site is located within Ashmore Park Local Centre and therefore the principle of creating new retail units is acceptable. Any potential loss of trade to existing units would not be a material planning consideration in this case. The applicant states the proposal will create six full time positions and 14 part time jobs.
- 9.2 The proposal would allocate 14 parking spaces for the new retail units and 24 parking spaces for the public house. This would be an acceptable parking provision for both the proposed units and the existing pub (as the existing car park to the rear of the pub is not currently extensively used) with sufficient remaining area for vehicle manoeuvring and would not result in any detrimental impact to pedestrians either inside or outside the site.

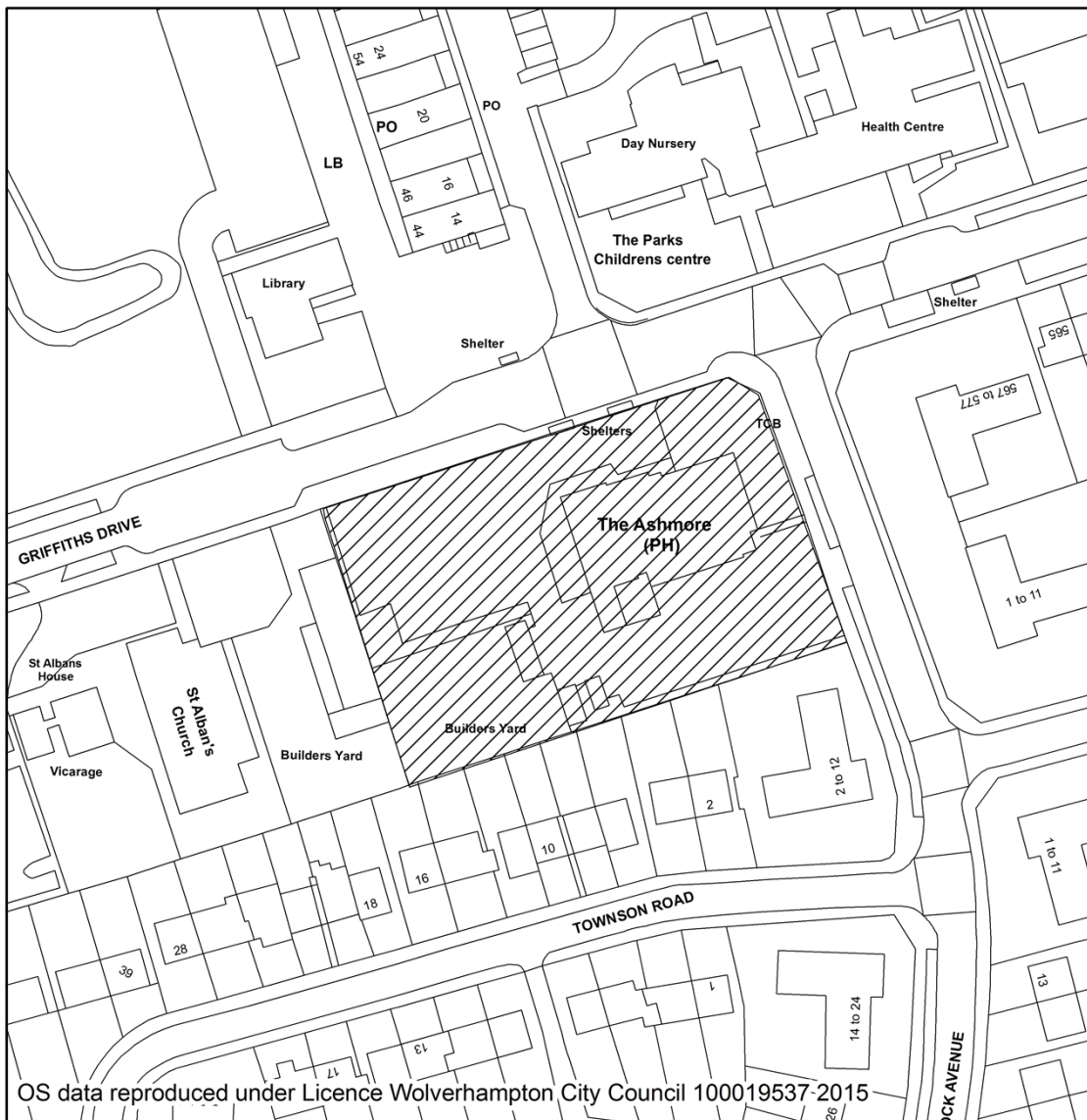
- 9.3 The proposed new building would complement the existing building line and would be of a good design, with two front gables and clear glazing panels comprising the majority of the front elevation.
- 9.4 The rear elevation of the proposed new building would be located approximately 19.1m from the dwelling immediately to the rear (14 Townson Road). The roof would be hipped to minimise the impact on the neighbours to the rear and would measure approximately 3.7m at the point nearest to the dwellings at the rear. Whilst the proposed building would have an impact on the dwellings to the rear of the site, including loss of daylight, this would not be of such a material nature to warrant refusal of the application
- 9.5 The proposed service areas would be located to the rear of the building. This area would be surrounded by an acoustic fence to minimise the noise impact on the adjacent dwellings. The ramp up to the shop would measure approximately 2.6m in height but would be located approximately 2.6m from the boundary and this would be shielded by an acoustic fence and landscaping, therefore it would not have an unacceptable impact on the dwellings to the rear.
- 9.6 In order to further minimise the impact on these dwellings hours of operation would be limited by condition (store opening hours: 0700-2300 Mondays to Saturdays and 0800-2300 Sundays and Bank Holidays. Deliveries and refuse collection 0800-1800 Monday to Saturdays and 0900-1800 Sundays and Bank Holidays).

10. Conclusion

- 10.1 Subject to the recommended conditions, on balance the development would be acceptable and in accordance with the development plan.

11. Detailed Recommendation

- 11.1 That the planning application be granted subject to a satisfactory coal mining risk assessment and any necessary conditions, to include:
- Hours of operation and delivery
 - Submission of materials
 - No vinyls, shelves, curtains, shutters etc to cover the glazing on the front elevation
 - Specification of acoustic fencing to be installed and maintained
 - Car parking to be implemented and maintained as shown
 - Existing access to Peacock Avenue to remain open during opening hours
 - Noise survey
 - Demolition method statement
 - Construction management plan
 - Limited construction hours (0800-1800 Monday to Saturday and 0800-1300 Sunday)
 - 2000 gauge damp proof membranes in the new buildings
 - Design of cycle parking



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Planning Committee

21 July 2015

Planning application no.	15/00563/FUL
Site	Chubb Locks Unit, Well Lane
Proposal	Change of use to a mixed use of leisure (D2) and storage/distribution (B8) with minor works to the building
Ward	Heath Town
Applicant	Adventure Forest Ltd/Assa Abloy Ltd
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards, Service Director, City Assets
Planning officer	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant.

2. Application site

2.1 The site comprises the industrial unit formerly occupied by Chubb Locks on Well Lane. The site area is 0.9 hectares, and is bounded by Well Lane, Wednesfield Way and industrial land.

3. Application Details

3.1 It is proposed to change the use of the building to a trampoline centre, the first to be operated by 'Air Space' outside of Scotland, with a UK central storage and distribution hub for 'Air Space' and the sister company 'Go Ape'. The use would create 40 full-time jobs and 40 part-time jobs, with the potential for more in the future. Staff would have 20 parking spaces, and visitors would have 75 spaces.

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)

5. Publicity

5.1 No representations.

6. Internal Consultees

6.1 Transportation – No objection

7. Legal Implications

7.1 The National Planning Policy Framework states that in assessing and determining planning applications, local planning authorities should apply a presumption in favour of sustainable development.

7.2 S55(2)(f) of the Town and Country Planning Act 1990 requires that planning permission be obtained for the development of land, including the making of the material change in the use of any building or land. The Town and Country Planning (Use Classes) Order 1987 prescribes a number of classes of use. A use not falling within a specific class is a sui generis use. LM/01072015/Q

8. Appraisal

8.1 The key issues are:-

- Loss of strategic employment site
- Leisure use out of centre

Loss of strategic employment site

8.2 The proposals do not accord with policy EMP2 as the presumption is against non-employment uses in strategic employment sites unless the proposals can be shown to support, maintain or enhance the business and employment function of the area. Despite the high-quality employment land designation the immediate surroundings are mixed and include leisure type uses in the form of Bentley Bridge Leisure Park, and Wolverhampton Swimming Pool. There is also a healthcare facility to the east of the site.

8.3 The proposals are bringing 60 full time equivalent jobs to a vacant unit of 4,693sqm. This equates to one job per 78sqm, and is equivalent to the job density of a storage and distribution use.

8.4 The internal alterations to the unit would be minimal therefore allowing a future return to a manufacturing use.

Leisure use out of centre

8.5 The applicants have submitted a sequential assessment of sites across the city to establish if there would be any buildings closer to or within an existing centre. 'Air Space'

have bespoke requirements in terms of the height (6.5-7m) and floorspace (2,200sqm – 4,500sqm) which has ruled out all sequentially preferable sites.

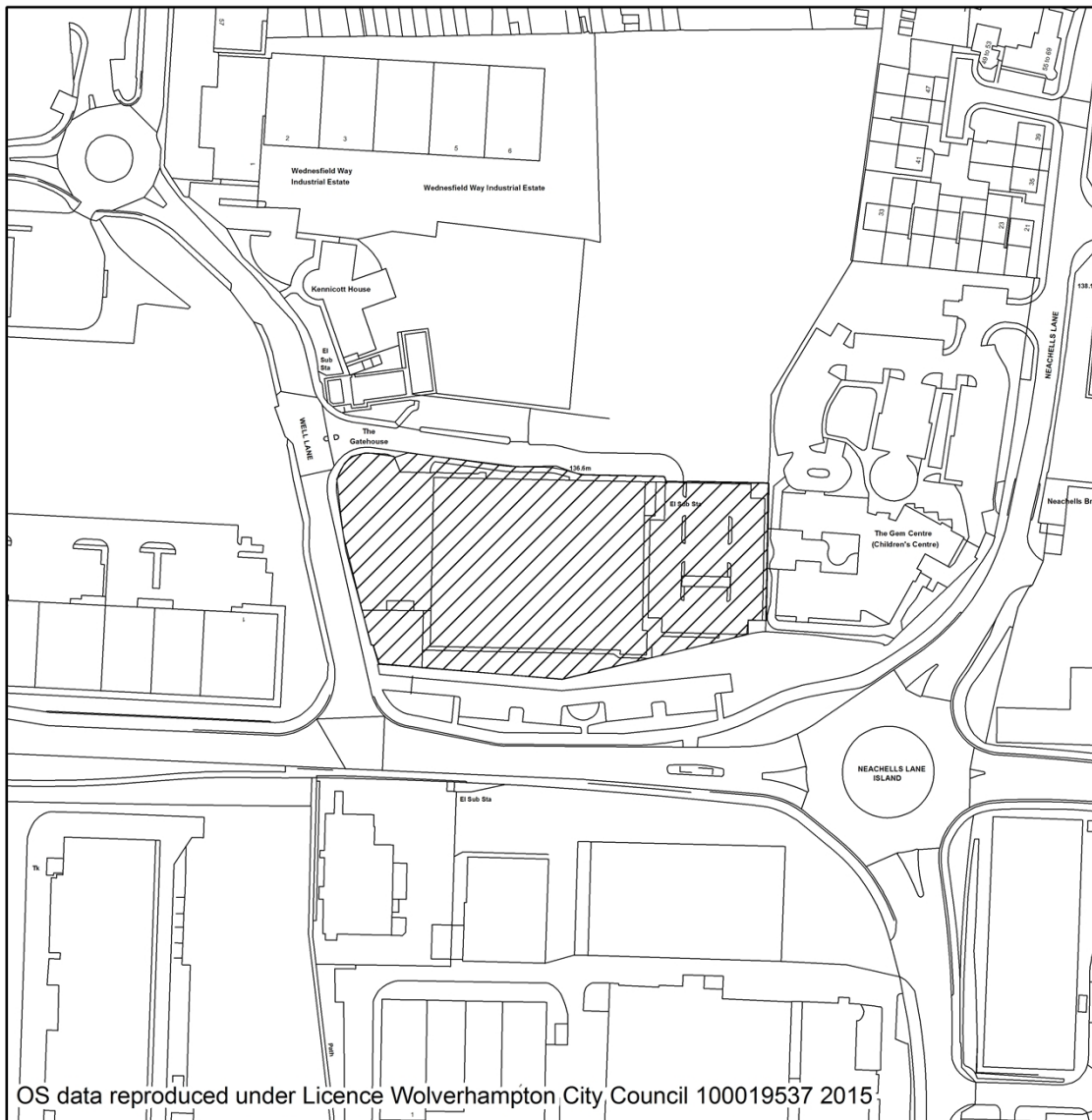
9. Conclusion

9.1 The proposals are not in accordance with policy EMP2, however this is outweighed by the contribution of new jobs, the unique requirements of the occupier, and the re-occupation of a vacant unit

10. Detailed Recommendation

10.1 That application 15/00563/FUL be granted subject to the following conditions:

- Temporary permission for ten years;
- The permission is for a trampoline centre with ancillary distribution only.



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Planning Committee

21 July 2015

Planning application no.	15/00305/FUL
Site	Former Edward Vaughan Stamping Works, Horseley Fields
Proposal	Waste recycling hub, and site remediation
Ward	Heath Town
Applicant	Dunton Environmental
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards, Service Director, City Assets
Planning officer	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Delegated authority to grant.

2. Application site

2.1 The application site comprises the former Edward Vaughan Stamping Works (now demolished), and the former Royal Mail depot, is 1.33ha in area, and is located less than a mile east of Wolverhampton City Centre in an industrial area with some residential. The site has frontages onto Horsley Fields, Union Mill Street and the Birmingham Canal – Wolverhampton Level. Part of the site is within the Union Mill conservation area and is opposite the Bilston Canal Corridor conservation area to the north. Listed buildings abut the northern edge of the site.

3. Application Details

3.1 It is proposed to use the site for a waste recycling hub for a period of up to five years. At the conclusion of the five year period the site would be vacated, having been remediated, and made suitable for residential development.

3.2 The site would receive contaminated soil waste from other development sites, which would be cleaned and the recovered material would be used as a product on other

development sites. HGV access would be from Horseley Fields. Union Mill Street would be used for staff access only.

- 3.3 The building at the centre of the site (formerly used by the Royal Mail) would act as site office and storage. Two portacabins, located on the northern side of the site would be used for site management. These start-up works have taken place, and equipment has been located on site (including a batching plant 4-5m high, excavators, a crusher, a weigh bridge, and a wheel wash facility) however the site is not operational at this stage.

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 Wolverhampton City Centre Area Action Plan – Submission document

5. Publicity

- 5.1 Four representations have been received; two object and two are neutral. A summary of the comments is set out below:
- Increased disturbance from noise
 - Odour from the waste brought onto site
 - Increase in air pollution
 - Increase in traffic on Horseley Fields and connecting roads
 - Proposal is out of character with the area
 - Positive to see something being done with the site

6. Internal Consultees

- 6.1 Environmental Health – Refer to appraisal
- 6.2 Transportation, Ecology, Historic Environment, & Archaeology – No objection

7. External Consultees

- 7.1 Environmental Agency, Severn Trent Water, & Canal and River Trust – No objection

8. Legal Implications

Conservation Area

- 8.1 When an application is situated in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 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.

- 8.2 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.
(LD/26062015/A).

9. Appraisal

- 9.1 The key issues are:-

- Impact on neighbouring properties
- Highways
- Impact on the Conservation Area
- Archaeology
- Ecology

Impact on neighbouring properties

- 9.2 The nearest dwellings to the site are flats, 50m away on Union Mill Street. The proposed layout would locate the noisiest activities in the eastern half of the site, approximately 200m from the dwellings. The site office building would afford a level of screening from this noise source. Recovered material would be located in the part of the site closest to the dwellings. This is the lowest noise generating activity on the site. The applicants have submitted a noise assessment and a working plan which demonstrates that the proposals would not have an adverse impact on the amenity of nearby residents, through noise, subject to a condition

- 9.3 The applicants have provided an air quality assessment based on the highest throughput capacity of the site per annum (200,000 tonnes). Environmental Health confirms that the assessment finds the impact on nitrogen dioxide levels as slightly adverse and is negligible for fine particles. The applicants are due to submit a Health Impact Assessment associated with the emissions from contaminated materials, together with a monitoring strategy. To avoid odours, it is recommended that the treating and composting of organic material is not permitted.

Highways

- 9.4 The applicants have submitted a transport assessment based on the highest throughput capacity of the site per annum. The worst case scenario finds one HGV movement every 3.75 minutes. This would have an impact at peak times, but is not deemed to be a severe cumulative impact in highway terms. It should also be noted that the applicants expect throughput in the early stages of operation to be closer to 100,000 tonnes per annum.

Impact on the Conservation Area and Listed Buildings

- 9.5 The eastern portion of the site is within the Union Mill Conservation area. The site has limited value in heritage terms, with the only above ground structure of note being the

wall alongside the canal, which does not form part of the proposals. The future remediation of the site will make the land suitable for residential development, which through good design can enhance the character of the conservation area, and the setting of the adjoining listed buildings.

Archaeology

9.6 Brick walls and stone rollers have been identified during the digging of service trenches as part of the start-up works. An Archaeological Evaluation condition is recommended.

9.7 Ecology

A satisfactory Bat Survey and Protected Species Survey have been submitted.

10. Conclusion

10.1 The proposals are in accordance with the Development Plan and contribute to the strategic aims of the Canalside Quarter.

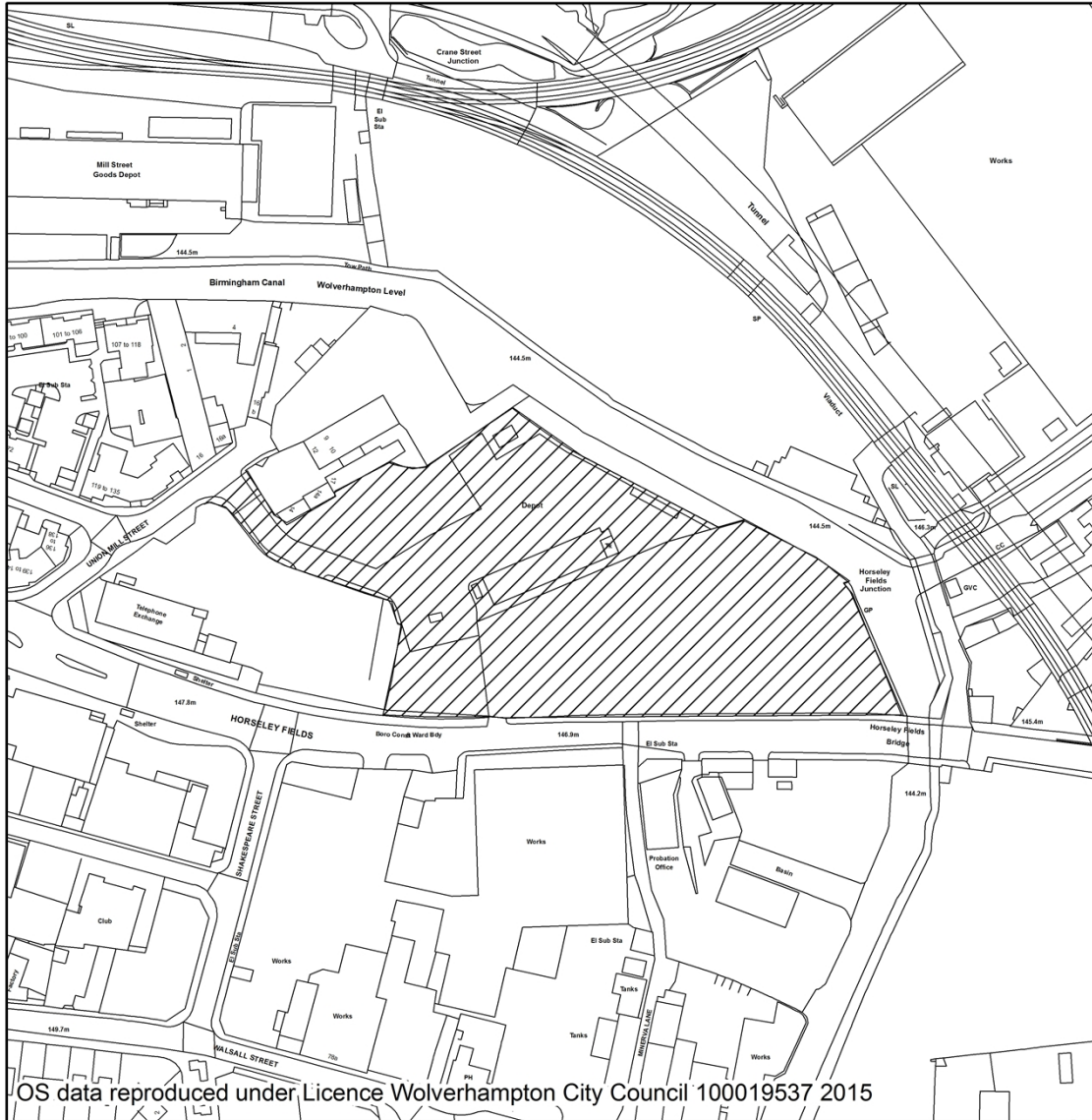
11. Detailed Recommendation

11.1 That the Service Director of City Assets be given delegated authority to grant application 15/00305/FUL subject to the receipt of an acceptable Health Impact Assessment, with conditions including the following:

- Temporary permission for five years;
- A remediation strategy submitted within three months of permission ;
- Site operations to be carried out in accordance with the submitted operational working plans
- Drainage plan
- No treating and composting of organic material
- Noise condition
- Outside storage and treatment of waste in the designated areas
- Stock piles maximum height of 5m;
- Wheel cleaning facilities
- All non-road vehicles and stationary plant shall comply with emissions requirements
- Hours of operation shall be limited to:
 - 08:00 to 17:00 Monday to Friday
 - 08:00 to 13:00 Saturday
 - No hours on Sundays and Bank Holidays.
- External lighting shall be in accordance with the lighting installation report dated 26th May 2015;
- Air quality monitoring;

(PUBLIC
Not Protectively Marked)

- Union Mill Street entrance shall be restricted to staff access only.
- Archaeological Evaluation



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Planning Committee

21 July 2015

Planning application no.	15/00524/FUL
Site	Former Bird In Hand Public House, School Road, Tettenhall Wood
Proposal	Erection of Convenience Store adjacent to former Bird in Hand Public House
Ward	Tettenhall Regis
Applicant	Mrs Cora Turner-Collis
Agent	Mr Bruce Jones - Development Project Services
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards, Service Director, City Assets
Planning officer	Name Paul Lester Tel 01902 555625 Email paul.lester@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions

2. Application site

2.1 The application site is located on the corner School Road, Penk Rise and Yew Tree Lane and has an area of 0.28 ha. It comprises the whole of the former pub car park and land to the rear (north) of the building. The public house was converted in 2012 under permitted development rights to three units, it is presently occupied by a café, hairdresser and an interior design shop.

3. Application Details

3.1 The proposal is for a single storey shop, with a net floor space of 304 sq m. Bugdens are the proposed operator.

- 3.2 The car park would be re-configured to provide parking for both the existing businesses within the former pub building and the proposed convenience store. An improved access is proposed from Penk Rise.

4 Planning History

- 4.1 12/00275/FUL –Installation of replacement windows and doors, new shopfront and external cedar cladding. Granted 12 April 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)
Tettenhall Neighbourhood Plan (TNP)

6. Publicity

- 6.1 A total of 25 representations have been received, 24 object and 1 is neutral, these are summarised below:

- Parking
- Highway congestion
- Noise
- Servicing and opening hours
- Overdevelopment
- Pollution
- Anti-social behaviour
- Too many convenience stores
- Loss of green area
- Public safety
- Increase in rubbish
- Goods sold

7. Internal Consultees

- 7.1 Environmental Health & Transportation – See appraisal

8. Legal Implications

- 8.1 The National Planning Policy Framework (NPPF) states that in assessing and determining planning applications, Local Planning Authorities should apply a presumption in favour of sustainable development.
- 8.2 In addition, the NPPF also indicates that planning authorities should look for solutions rather than problems and work proactively with applicants to secure developments that

improve the economic, social and environmental conditions of the area. Reference LM/09072015/R.

9. Appraisal

9.1 The key issues are:

- Principle of development
- Impact on residential amenity
- Transportation
- Design

Principle of development

9.2 The site occupies an out-of-centre location in policy terms. However, the size of the proposed store is modest and so would predominantly provide for top-up shopping for local residents, there are no sequentially preferable sites for the proposed development.

9.3 There is no clear evidence that the proposals would cause a “significant adverse impact” on Tettenhall Wood Local Centre, which is not exhibiting any clear signs of weakness, has good environmental quality, diversity of uses including specialist retailers and no vacancies.

9.4 The proposal would create 15 full time and 10 part time jobs and contribute to delivering economic growth and regeneration, enhancing consumer choice and competition.

9.5 The proposal is acceptable in planning terms, subject to conditions restricting the net floor space of the scheme to minimise the impact of the development on the designated centre.

Impact on residential amenity

9.6 Environmental Health have recommended the following hours of use

Store Opening:

0700 hrs to 2300 hrs. - Mondays to Saturdays.

0800 hrs to 2300 hrs - Sundays and Bank Holidays.

Goods deliveries, despatch and collection of refuse:

0800 hrs to 1800 hrs - Monday to Saturdays.

0900 hrs to 1800 hrs - Sundays and Bank Holidays.

9.7 Environmental Health are concerned that any external plant, such as air conditioning units, could generate noise to the detriment of neighbours amenity. No details of such equipment have been submitted and so a condition is recommended that would require details of any such equipment to be submitted for approval.

Transportation

- 9.8 The development proposes to reconfigure the existing car parking areas to ensure there are sufficient levels of car parking. The 41 car parking spaces proposed are slightly in excess of the required level for the existing commercial uses and the proposed convenience store.
- 9.9 Whilst there would be an increase in traffic associated with the proposed store, this would not generate a significant impact on traffic flow or highway safety on Penk Rise or the surrounding roads.
- 9.10 The site access on Penk Rise would be widened to allow for lorries servicing the unit and improve car access. Transportation has no objection to this.
- 9.11 For the reasons set out above, the transport impacts of the development are not considered to be significant and consequently, the proposal is therefore acceptable on transport grounds.

Design

- 9.12 The store would have a rectangular footprint measuring 404 square metres and a flat roof with a maximum height of 5.8m. External materials would be a mix of brick, white render and timber cladding.
- 9.13 The design, scale and external appearance of the building would be appropriate.

10. Conclusion

- 10.1 Subject to conditions as recommended, the development would be acceptable.

11 Detailed Recommendation

- 11.1 That planning application 15/00524/FUL be granted subject to conditions including:

Net floor space restriction

Materials

Construction Management Plan

Hours of opening

Hours of deliveries and collection of goods and refuse

Car parking provision as shown

Cycle and provision of disabled parking

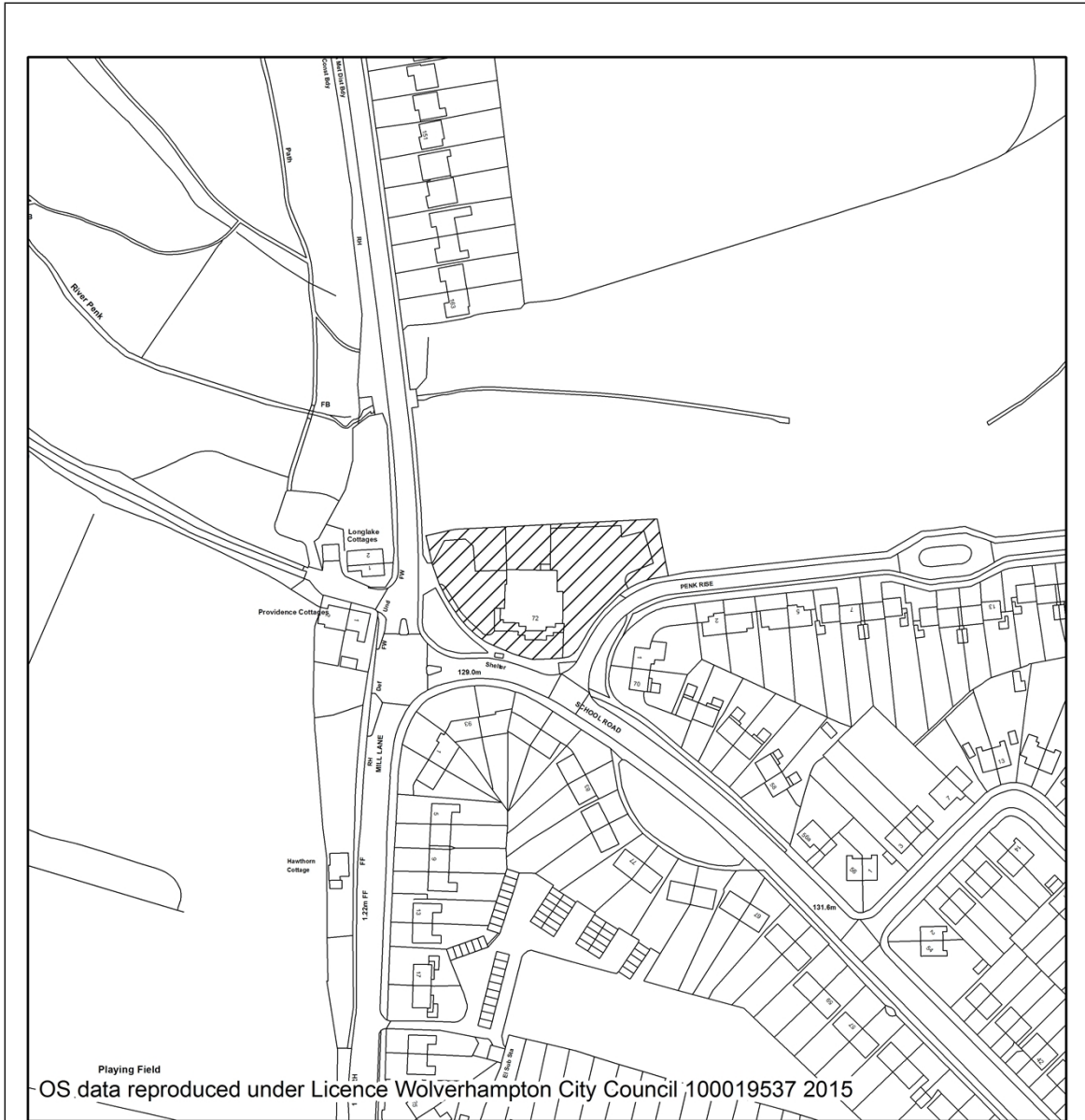
No external shutters/obscuring of windows

CCTV and lighting details

Landscaping

Tree protection

No external plant or machinery without prior approval



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Planning Committee

21 July 2015

Site	Former Steam Mill, Corn Hill, Wolverhampton
Proposal	To inform Planning Committee of the authorisation of the serving under Section 78 of the Building Act 1984 (Dangerous building – emergency measures) of a notice given to the owner of the Steam Mill of the Council's intention to take immediate action to remove the danger.
Ward	Heath Town
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Service Director	Nick Edwards, City Assets
Planning officer	Name Stephen Alexander Tel 01902 555610 Email stephen.alexander@wolverhampton.gov.uk

1. Recommendation

- 1.1 Planning Committee are recommended to note the contents of this report.

2. Purpose of the Report

- 2.1 The purpose of this report is to inform Planning Committee that on the 8th July 2015, pursuant to Section 78 of the Building Act 1984 (**Dangerous building – emergency measures**), notice was given to the owner of the Steam Mill of the Council's intention to take immediate action to remove the danger.

3. Report Detail

- 3.1 Relevant action taken under the "Urgent Business" rule at 6.9 of the Constitution must be reported to the next available Planning Committee.
- 3.2 In accordance with the "Urgent Business" rule, the serving of the Section 78 notice was discussed with and approved in writing by the Vice-Chair of Planning Committee (in the Chair's absence) and was then authorised by the Strategic Director, Place in conjunction with the Managing Director. This written authorisation included details of the proposed

action as set out in the attached report (Appendix 1). The justification for using the expedited procedure was that immediate action was required to seek to remedy a danger to public safety.

- 3.3 Balfour Beatty, acting on behalf of the Interchange Partnership that includes the Council, have begun the difficult process of carefully and safely demolishing the building. The demolition programme is being worked through and refined as it progresses as this is a challenging building to demolish safely.
- 3.4 The attached report (Appendix 1) sets out the background and justification for the decision made to serve a Section 78 notice.



Urgent Business

07 July 2015

Site	Former Steam Mill, Corn Hill, Wolverhampton
Proposal	The Steam Mill is in such a state as to be dangerous and immediate action should be taken to remove the danger. Pursuant to Section 78 of the Building Act 1984 (Dangerous building – emergency measures) it is proposed to give notice to the owner of the building of our intention to take immediate action to remove the danger. The step necessary for that purpose is the demolition of the building.
Ward	Heath Town
Cabinet Member with lead responsibility	Councillor Peter Bilson City Assets
Service Director	Nick Edwards, City Assets
Planning Officer	Name Stephen Alexander Tel 01902 555610 Email stephen.alexander@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 The Steam Mill is in such a state as to be dangerous and immediate action should be taken to remove the danger. It is recommended that pursuant to Section 78 of the Building Act 1984 (**Dangerous building – emergency measures**) the Strategic Director, Place in conjunction with the Managing Director authorise that notice be given to the owner of the Steam Mill of the Council's intention to take immediate action to remove the danger. The step necessary for that purpose is the demolition of the building.
- 1.2 This action shall have first been discussed with and approved in writing by the Chair of Planning Committee (or in the Chair's absence the Vice-Chair). The written authorisation must include details of the proposal and the justification for using the expedited procedure.
- 1.3 Any action taken under the Urgent Business rule at 6.9 of the Constitution must be reported to the next available Planning Committee which is on 21 July 2015 for information.

2. Location

- 2.1 The location of the Steam Mill building (henceforth “the building” in this report) is shown on the attached plan. The building is a nationally listed Grade II building and is located in the Interchange area, a key regeneration project for the city. It is near to Wolverhampton Railway Station and within the Union Mill Conservation Area.

3. Background

- 3.1 Interchange is being delivered in partnership by Neptune Developments Limited (“Neptune”), Centro, Network Rail, Virgin and Wolverhampton City Council (“the Interchange Partnership”). The bus station, Block 11 and Queens Building have been delivered, Block 10 is under construction, planning permission has been granted for an extension to an adjoining multi-storey car park and listed building consent has been granted for the removal of a metal clad extension to the building to facilitate a vehicular access and taxi drop-off area for a new railway station.
- 3.2 Following discussions with the then owners of the building, Gladedale, it was agreed the Interchange Partnership should acquire the building, in order to aid with the delivery of the new railway station. Neptune commissioned Curtins to carry out a structural survey as part of due diligence. Curtins are specialist structural engineers well respected for their considerable experience of inspecting listed buildings.
- 3.3 The structural engineer’s report received from Curtins (“the Curtins report”) concludes that the building is in a “very poor condition”. In addition the Curtins report states they cannot guarantee that the building will not suffer a failure at some stage in the future.
- 3.4 The report recommended the Council inspect the building and consider its structural safety in the context of the Curtins report; the Council instructed Dr Nigel Bartram from Baker Hall (the Council’s structural consultants) to consider the report and inspect the building.
- 3.5 This inspection took place a report was received from Baker Hall which described the building as “*parlous*” (which means full of danger or precarious). As a result, Corn Hill was completely closed and an exclusion zone installed around the building.
- 3.6 Given the contents of the Curtins report and the findings of our own structural consultant these were shared with the then owners of the site (Gladedale) and Historic England.
- 3.7 The reports were also shared with Network Rail and Virgin Trains. They are concerned about the safety of users of their car park (70 spaces) next to the building, due to the possibility identified in the structural engineers’ reports of debris falling from the building and any possible danger to the West Coast mainline should the building collapse. They have closed their car park.
- 3.8 A range of options has been considered to ensure that necessary and reasonable steps are taken to protect public health and safety. These have included the installation of the temporary exclusion zone around the building and the steps set out and recommended in this report.

- 3.9 A meeting took place between the structural engineer from Curtins and Historic England's own structural engineer on 24th June 2015. Also in attendance were representatives from the Council, Neptune and Historic England. All parties were concerned by the dangerous state of the building. The only outstanding matter for clarification was the appropriate remedy as the building is nationally listed. It was explained by the structural surveyor from Curtins that any steps to make the building safe so that part of the building might be retained and repaired would be likely to be dangerous. It was agreed that Curtins would provide an addendum report to explain this advice in writing.
- 3.10 The Curtin's addendum report was received on 1st July 2015 and shared with Historic England. This concluded that the building would be extremely difficult to safely access and repair.
- 3.11 The building has now been acquired by Neptune on behalf of the Interchange Partnership. Turley Heritage have been instructed by Neptune to advise on the potential impact on the heritage significance of implementing the works set out in the Curtins addendum report and have submitted a Heritage briefing report ("the Turley's report").

4. Public Safety

- 4.1 This is first and foremost a matter of public safety. The structural engineers' reports are clear that the building is dangerous. They are concerned that the building is in a "very poor condition" and they cannot guarantee that the building will not suffer a failure at some stage in the future. There is a danger of debris falling from the building and there is a possible danger to users of the railway station should the building collapse.
- 4.2 The interior of the building and the roof were mostly destroyed by fire in 2008. Since then, with no roof to protect the building from the elements, it has deteriorated further. The building has deteriorated to such an extent that the Curtins' report concludes that "this building is in a very poor condition and probably the worst the author has seen in the last thirty years". The Curtins' report also advises that the removal of the roof and damage to the upper floors have reduced the ability of the building to resist lateral loads and exposed the building to on-going deterioration. Added to this "the vaulted floors have been modified with total disregard to the effect on the remaining structure".
- 4.3 The Turley report states "the Curtins report advised that the cross walls of the engine house and canal inlet structure, that runs under the building, provide some lateral support, however they are connected to heavy beams that are supported by a single isolated pier which will be vulnerable to overloading and settlement."
- 4.4 The Curtins' report concludes "we cannot guarantee that the building will not suffer such a failure at some stage in the future and we would strongly recommend that the Wolverhampton City Council Building Surveyor inspects the building and considers its structural safety in the context of this report."
- 4.5 Baker Hall Ltd, on behalf of the City Council, inspected the building and found that:

“The effective removal of the interior structure of the building and the roof has rendered the remaining brickwork in a parlous state. The photographic record of the interior shows a mass of debris, twisted and corroded ironwork and rotten timber joists. The extent of this deterioration is considered to be too severe for the restoration of the building to be possible.

There is a strong likelihood of elements of the building, bricks, copings etc, falling to the ground, which poses a clear risk to people within the immediate vicinity. It is not possible to give an assessment as to the probability of a catastrophic collapse, but given the condition of the building and that it is open to the elements the rate of deterioration and hence risk can only increase.”

4.6 The building is clearly in a very poor condition and could suffer an immediate and dangerous failure such as to pose a danger to neighbouring land users and uses. As the building is dangerous the Council should take reasonable steps to safeguard the public. In deciding what those reasonable steps should be, the Curtins’ addendum report concludes that this is an extremely difficult building to safely access and repair. It states “the following items are most significant in restricting the access:

- The poor condition of the structure.
- The absence of fire damaged structure.
- The damage caused by the past alterations which makes this a vulnerable structure that has the potential for sudden collapse. Any steps required to avoid demolition which would make the building safe so that part of the building might be retained and repaired, in order to preserve the special architectural or historic interest of the building would be likely to be prohibitively dangerous.”

4.7 Based on the evidence from the structural engineers’ reports, it is considered highly likely that any attempts to access the building to carry out repairs would expose the operatives and the public to unacceptable levels of danger. Therefore, for overriding reasons of public safety, the only reasonable solution to remedy the danger is demolition of the building. The Council has powers under the Building Act 1984 to demolish the building. Section 78 provides that if it appears to a local authority that a building is in such a state as to be dangerous and immediate action should be taken to remove the danger, they make take such steps as may be necessary to remedy the danger.

4.8 If the recommendations of this report are agreed, a Section 78 notice will be served on the owners and the Council will immediately progress with the demolition process. The Interchange project partners, including the Council, will instruct Balfour Beatty to start the demolition process. A method statement for demolition is currently being finalised and a programme expected shortly.

4.9 As the building is considered to be dangerous listed building consent is not needed. Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that it is an offence to undertake works affecting the special interest of a listed building without consent and sets out the following defence:

“a. That works to the building were urgently necessary in the interests of safety or health or for the preservation of the building;

b. That it was not practicable to secure safety or health or, as the case may be, the preservation of the building by works of repair or works for affording temporary support or shelter;

c. That the works carried out were limited to the minimum measures immediately necessary;”

- 4.10 Section 78 of the Building Act provides the means of making the above defence. It is considered that the structural engineers’ reports provide sufficient evidence to demonstrate that the works undertaken to remove the danger are the minimum necessary in the interests of safety and health and that it is not practicable to secure safety and health by means of support or shelter.

5. The Nationally Listed Building

- 5.1 The building was Grade II listed by the Secretary of State in 1991 as a building of special architectural and historic interest. It is also within the Union Mill Conservation Area. In considering whether or not to serve a “dangerous notice – emergency measures” notice under Section 78 of the Building Act, the relevant consideration is public safety. The loss of the nationally listed building is not a material consideration in deciding whether or not to serve a Section 78 notice. However, given the very high level of legal protection afforded statutory listed buildings, for the sake of completeness and for the record, considerations relating to the loss of the listed building in a conservation area are set out below.
- 5.2 If a nationally listed building is not an immediate danger the legal route for a developer wishing to demolish the building would be to make an application under Section 54 of the Listed Building Act. Listed Building Consent will not be required if the building is demolished under Section 78 of the Building Act. Public Safety is the most important aspect. However it is worth rehearsing the considerations that would apply if such a listed building application were to be made for demolition.

Listed Buildings and Conservation Area Law

- 5.3 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for a local planning authority, in considering whether to grant listed building consent or planning permission for development which affects a listed building or its setting, to “*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*”.
- 5.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in the exercise of planning functions, “*with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.
- 5.5 A Court of Appeal judgement (*Barnwell Manor Wind Energy Ltd v. East Northamptonshire District Council, English Heritage, the National Trust and the Secretary of State for Communities and Local Government 2014*) has clarified the application of

section 66(1). The judgment notes that it is common ground that “...‘preserving’ means *doing no harm*” and establishes that, where a proposal would cause some harm, the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker, but should be given “*considerable importance and weight*” when the decision-maker carries out the balancing exercise.

- 5.6 A related High Court case of *The Forge Field Society et al v Sevenoaks District Council et al (2014)* considered the duties under sections 66 and 72 and stated that a finding of harm to the setting of a listed building or to the character or appearance of a conservation area “*gives rise to a strong presumption against planning permission being granted (and that) the presumption is a statutory one.*”. The judgment clarified that the presumption “*is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.*”.

Planning Policy

- 5.7 The City Centre Area Action Publication Plan (“the AAP”) Policy CA3 seeks to “enhance the setting of important heritage assets, including the canal, Old Steam Mill, Chubb Building, Prince Albert Public House and conservation areas” and the “protection and enhancement of public spaces and local heritage/townscape features”.
- 5.8 Steam Mill is within the Interchange masterplan area. The AAP identifies the area for a public transport hub with a new railway station and around 1,000 square metres of retail and leisure development. The AAP describes Interchange as a strategically important development opportunity to create a new railway station with associated infrastructure. The Interchange policy aims for:

“Exemplary standard of design to reflect gateway location, create new civic spaces, maximise canalside location and enhance the conservation areas covering parts of the site and the setting of the Old Steam Mill Grade II listed building.”

Architectural & Historic Interest and the Character & Appearance of the Conservation Area

- 5.9 The legal tests set out in paragraphs 5.3, 5.4, 5.5 and 5.6 above set a very high bar to overcome and mean that there is a strong presumption in planning law in favour of preserving a Grade II statutorily listed building in a conservation area.
- 5.10 When the building was statutory listed it was described as:
- “Rebuilt after fire of 1851 by William Fairbairn and Sons of Manchester. Built of brick with stone keystones and parapetted slate roof. Open rectangular plan. 3 storeys with basement; 9-window range. Keyed segmental-arched basement windows. Recessed bays articulated by piers rising to stepped course and dentilled cornice. Keyed segmental-arches over doors and windows, the latter with centre and top-hung casements. Interior noted as having cast-iron framework, maple floors, staircases and iron roof trusses. The original mill was built c1800 on the site of a former windmill. This is*

an early example marking the second phase of building fireproof structures, by an important Manchester engineering firm/ The former steam engine drove 18 stones.”

- 5.11 Curtins take issue with the description of the building as a “fireproof” mill structure for technical reasons set out in their addendum report. The Curtins report also advises that multiple voids had previously been cut through areas of the vaulted masonry to accommodate the manufacturing processes. The Turley’s report states that:
- “This has not only weakened the structural integrity of the building but, based on the available information, can also be considered to have eroded the heritage significance of the listed building.”
- 5.12 Due to the poor state of the building and the great difficulties in accessing the building Curtins have not been able to propose a safe method for repairing the building. The Turleys report advises that even if an alternative to full demolition could have been safely identified “the special interest of the building would be further harmed by the need to partially dismantle key parts of the east gable and front elevation”.
- 5.13 The interior of the building and the roof was mostly destroyed in the 2008 fire. From the evidence contained in the detailed and thorough Curtins reports it is reasonable to conclude there is limited historical interest in the remaining structure and little merit in preserving the building. It is considered that the building is in such poor condition that there is little left of the special architectural historic merit which made it worthy of protection in order to provide justification for its retention. This is particularly relevant in this case in the context of other material considerations, including public safety. However, what is still left, including some of the external features mentioned in the listed building description should according to planning law still be given considerable importance and weight in the planning balance.
- 5.14 The building is an imposing, albeit currently derelict, structure in the Union Mill Conservation Area. Before the fire of 2008 and its subsequent deterioration, or if the building was restored, it would have a positive impact on the appearance of the conservation area. Its current derelict and negative appearance is not considered to be due to wilful neglect; this is a difficult site with its redevelopment potential constrained by poor access and its proximity to the west coast mainline. Attempts have been made in the past to progress schemes for residential conversion, however, there were doubts cast on the future of the building by previous proposed metro routes and the recession deepened viability issues. In its current state the removal of the building would not have a detrimental impact on the appearance of the conservation area.
- 5.15 Three listed building consents obtained prior to the Curtins’ report show that reasonable efforts were made to establish a partial demolition and stabilisation of the building:
- 14/00102/LBC Demolition of steel clad section (expires 12.03.17). Consent allows railway station access and taxi run-around to be created. But only if remaining structure could be safely supported.
 - 14/00580/LBC Dismantle lower centre east gable (enabling access) and rebuild (expires 31.10.17). Consent allows access to the damaged material within the building, but due to the condition of the building human safety would not be guaranteed.

- 14/01388/LBC Partial demolition to enable removal of fire damaged material and essential stabilising works (expires 30.01.18). Consent allows access via the north west and west elevations to undertake stabilisation works. However human safety would not be guaranteed.

5.16 When the Union Mill Conservation Area was designated in 1985, part of the identified character was the collection of former mill buildings and factories in one area either side of the Birmingham Canal. The Union Mill building has since been demolished and the Albion Mill building has been successfully restored and converted to residential use. The loss of another Mill building will not preserve or enhance this historical character of the area and this consideration should according to planning law be given considerable importance and weight.

Interchange Project

- 5.17 Wolverhampton is a principle railway station on the West Coast Mainline handling over 4.75 million passengers per annum, a figure which has more than doubled since 2005. It is pivotally located and is a major and unique strategic opportunity for the Black Country, serving the whole one million sub-regional population in terms of jobs, business and services. The existing station facilities and capacity are not fit for purpose.
- 5.18 The vision for the Interchange is the area will be a modern integrated public transport interchange and a hub for high grade commercial development. The area will provide a vital gateway for visitors to Wolverhampton and the Black Country and will benefit from a transformed railway station and Midland Metro line extension.
- 5.19 The AAP identifies the City Interchange & Commercial Gateway quarter as crucial to the vitality and viability of the city centre. The area provides a vibrant mixture of uses and important heritage assets. The Interchange scheme will transform perceptions of the City due to a vastly improved visitor experience at the railway station and its environs.
- 5.20 The strategy for this important area is to strengthen its role as a gateway into the city, improving public transport linkages and creating a new multi-modal transport hub. The Interchange redevelopment is being coordinated by the Interchange Partnership and is recognised as a key project within the Black Country Growth Plan.
- 5.21 The centrepiece for phase two will be a new railway station and a Metro extension that will branch from the current terminus near to the Bilston Street / Pipers Row junction, pass along Pipers Row to the Lichfield Street Junction and then through the heart of the new commercial development to the station.
- 5.22 Policy CA3 of the AAP states:

“The City Interchange & Commercial Gateway will be an area of comprehensive regeneration providing a fully integrated multi-modal transport hub, deliver new commercial floorspace for high value jobs and improve the strategic gateway to Wolverhampton and the Black Country. The key priorities are a multi-modal transport hub with a redeveloped railway station and Midland Metro line extension at its core”.

- 5.23 Interchange is a priority of the Local Economic Partnership (LEP) and is supported by £13.5M of LEP funding, comprising £4.5M of Local Growth Funding and £9M of Local Transport Board funding. The Department for Transport has supported an innovative funding model using the expected station assets to generate an income stream. This project is a key gateway scheme for the Black Country and beyond and will generate economic growth and growing passenger numbers. Interchange will make a significant contribution to the growth of the city; it will unblock potential investment on the back of greater accessibility provided by the integration of transport nodes.
- 5.24 The Interchange project is strategically vital to the future regeneration of the city. The delivery of the project is dependent on the removal of the danger identified by the Curtins report. Unless the situation is resolved, the access to the new station, the extension to the multi-storey and the new station itself will not be able to progress. The building is a very serious and significant impediment to realising the substantial regeneration outputs in terms of job creation and a substantially improved environment. The new railway station is hugely significant in improving the image of the city and the experience for visitors and residents, particularly as the existing station building is so poor. The condition of the building is stopping public money from being invested on the Interchange and hampers much needed investment in a key regeneration project.
- 5.25 Removing the building will also allow opportunities for the public realm to be improved. If the building is removed the proposed approach to the new station could be amended to allow a more generous area for the main drop off and taxi area, significantly improving the public realm in the area, and creating opportunities for significant improvements to the local environment through hard and soft landscaping.
- 5.26 Wolverhampton Interchange is identified as a project of strategic importance in the Strategic Economic Plan for the Black Country. It will deliver a multi-modal transport hub comprising a new train station, multi-storey car park extension and an extended tram connecting to the railway station through a new stop at the bus station. It will deliver 30,000 square metres of office, retail and leisure floorspace, £80m of private sector funding and 2000 jobs. This project is critically important for Wolverhampton and the Black Country. The benefits of removing the building to the Interchange project and the regeneration of the city are highly significant material considerations which strongly mitigate against the loss of the listed building.

Other Material Considerations

- 5.27 The public safety issues as set out in section 4 above are of course highly relevant to any consideration of whether the building should be retained and is also a highly significant material consideration in this exercise.
- 5.28 Estimated costs involved in repairing or demolition the building are set out in the following table from the Turley's report:

Option 1: Temporary structural stabilisation, temporary repairs and indicative structural repairs	£10,554,000 - £13,150,000
Option 2: Partial demolition including stabilisation prior to demolition, and façade retention including	£5,000,000 - £5,330,000

strengthening or replacing existing, removing sections of the top wall and rebuilding the north east corner.	
Option 3: Full demolition, including site clearance and hoardings.	£1,160,000 - £1,580,000

The costs of repair are likely to be so high that they would seriously undermine the delivery of the whole project rendering it unviable.

- 5.29 The building is currently a derelict eyesore that creates a very poor impression of the city as visitors arrive into the railway station; it is frequently remarked upon by both visitors and local people as a blot on the landscape. Removing the building would be good for the image of the city and help attract investors who may otherwise be deterred.
- 5.30 The demolition of the building and the delivery of the Interchange project would transform the city centre around the new railway station and encourage investment in the neighbouring areas including the Canalside Quarter. This is identified in the AAP as a regeneration opportunity and includes much of the Union Mill Conservation Area and includes historic assets that would benefit from restoration. Future investment in these buildings and the area would be likely to benefit the future preservation and enhancement of the Union Mill Conservation Area.

Conclusion

- 5.31 In planning law there is a strong statutory presumption in favour of retaining the building as it is statutory listed and in a conservation area, however this presumption is not irrebuttable. In this case there is not much left of the building that is of special architectural or historic interest. Even so case law holds that what remains of value should be given considerable importance and weight in the planning balance. In this case the public safety considerations, the negative impact on the Interchange project, and the positive impact on the regeneration of the city that the Interchange will deliver as set out above amount to very powerful considerations that justify the demolition of the building.
- 5.32 On balance it is considered an application for listed building consent could have been recommended for approval if it had been necessary.

6. Financial Implications

- 6.1 The Building Act provides for provision to recover the costs of demolition from the owner. In this case as the owner is Neptune, part of the Interchange Partnership, the costs of demolition will come out of the Interchange project budget.

7. Legal Implications

- 7.1 The Council has considered its various powers to deal with the building in the most appropriate way bearing in mind the risk to the safety of the public and its listed building status.
- 7.2 The Council has powers under the Building Act 1984 to demolish the building.

Section 78 provides that:

(1) If it appears to a local authority that:

(a) a building or structure, or part of a building or structure, is in such a state, or is used to carry such loads, as to be dangerous, and

(b) immediate action should be taken to remove the danger, and they may take such steps as may be necessary for that purpose.

7.3 As the building is considered to be dangerous listed building consent is not needed but the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been taken into consideration in any event and are set out in paragraphs in 4.9, 5.3 and 5.4 above.

7.4 Other options such as compulsory purchase and repairs notice have been considered and are deemed not to be appropriate.

7.5 The options have been presented for discussion with Queens Counsel, a listed building and planning specialist. After visiting the site and discussing with employees, he advises that a Section 78 Act notice is the most appropriate way forward.

8. Conclusion

8.1 In this case the safety of the public supersedes all other considerations. Immediate action should be taken to make the building safe and the only reasonable means of achieving this without causing further danger is to demolish the building. The key recommendation of this report is that a Section 78 notice should be served on the owner that we intend to demolish the building and thereafter the step to be taken is demolition of the building.

8.2 The loss of the nationally listed building is not a material consideration in the determination of whether or not to serve a Section 78 notice. However for the sake of completeness and for the record considerations relating to the loss of the listed building have been set out above.

9. Detailed Recommendation

9.1 The Steam Mill is in such a state as to be dangerous and immediate action should be taken to remove the danger. It is recommended that pursuant to Section 78 of the Building Act 1984 (**Dangerous building – emergency measures**) the Strategic Director, Place in conjunction with the Managing Director authorise that notice be given to the owner of the Steam Mill of the Council's intention to take immediate action to remove the danger. The step necessary for that purpose is the demolition of the building.

9.2 This action shall have first been discussed with and approved in writing by the Chair of Planning Committee (or in the Chair's absence the Vice-Chair). The written authorisation must include details of the proposal and the justification for using the expedited procedure as set out in this report.

- 9.3 Any action taken under the Urgent Business rule at 6.9 of the Constitution must be reported to the next available Planning Committee which is on 21 July 2015 for information.

Background Papers

1. Report on Structural Condition (Curtins)
2. Report Following Inspection of Steam Mill (Baker Hall Ltd)
3. Addendum to the Report on Structural Condition (Curtins)
4. Heritage Report (Turleys)