

Planning Committee

6 September 2016

Time 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Linda Leach (Lab)
Vice-chair Cllr Dr Michael Hardacre (Lab)

Labour

Cllr Harman Banger
Cllr Greg Brackenridge
Cllr Welcome Koussoukama
Cllr Louise Miles
Cllr Anwen Muston
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley

Conservative

Cllr Wendy Thompson
Cllr Jonathan Yardley

Quorum for this meeting is four Councillors.

Information for the Public

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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 interests |
| 3 | Minutes of the previous meeting - 28 June 2016 (Pages 3 - 10)
[To approve the minutes of the previous meeting as a correct record] |
| 4 | Matters Arising
[To consider any matters arising] |

DECISION ITEM

- | | |
|---|--|
| 5 | 16/00759/FUL - 33 The Orchard, Bilston, Wolverhampton, WV14 0EA (Pages 11 - 14)
[To consider the application] |
| 6 | 16/00501/FUL - Site 18 Phoenix Street, Blakenhall, Wolverhampton (Pages 15 - 18)
[To consider the application] |
| 7 | 16/00492/FUL - 113 Blackhalve Lane, Wolverhampton (Pages 19 - 22)
[To consider the application] |
| 8 | 16/00664/RC - Star Works, Frederick Street (Pages 23 - 26)
[To consider the application] |
| 9 | 14/01210/FUL - Former Fandale Junior School (Pages 27 - 30)
[To consider the application] |

Attendance

Councillors

Cllr Linda Leach (Chair)
Cllr Harman Banger
Cllr Greg Brackenridge
Cllr Welcome Koussoukama
Cllr Louise Miles
Cllr Anwen Muston
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson
Cllr Jonathan Yardley

Employees

Stephen Alexander	Head of Planning
Andy Carter	Senior Planning Officer
Lisa Delrio	Senior Solicitor
Dereck Francis	Democratic Support Officer
Martyn Gregory	Section Leader
Ian Holliday	Section Leader, Planning
Tracey Homfray	Planning Officer
Paul Lester	Planning Officer
Nussarat Malik	Planning Officer
Colin Noakes	Planning Officer
Tim Philpot	Professional Lead - Transport Strategy
Jo-Anne Rasmussen	Planning Officer
Ragbir Sahota	Planning Officer
Phillip Walker	Planning Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 Apologies for absence**
Apologies for absence were submitted on behalf of Cllr Dr Michael Hardacre.
- 2 Declarations of interest**
Stephen Alexander, Head of Planning declared a disclosable non pecuniary interest in application 16/00115/FUL, in so far as his daughter attends Wolverhampton Grammar School.

Cllr Louise Miles declared a disclosable non pecuniary interest in application 16/00418/FUL, in so far as she knew the speaker.

3 **Minutes of the previous meeting - 19 April 2016**

Resolved:

That the minutes of the previous meeting held on 19 April 2016 be approved as a correct record and signed by the Chair.

4 **Matters arising**

With reference to Minute 9 (15/01306/FUL - Land at the rear of 32 and 33 Quail Green), Cllr Wendy Thompson sought clarification on the consent that had been granted in relation to this application as the Committee report was at variance with the planning application.

Andy Carter, Planning Officer advised that there had been a small drafting error in the Committee report which set out 'three detached houses' but the detail was misstated. The plans were for two four bedroom and one five bedroom houses, not two five bedroom and one four bedroom house as stated in the Committee report. The matter had been clarified and a separate investigation was ongoing.

5 **16/00307/FUL - Former "The Noah's Ark", Wood End Road, Wolverhampton**

The Committee received a report regarding application 16/00307/FUL, proposed change of use of part of a former public house (use classification A4) to a hot food takeaway (use classification A5), together with associated minor external alterations to include extraction system and flue.

Mr Richard Cooke addressed the Committee and spoke in support of the application.

Cllrs John Rowley and Phil Page reported that they had both received correspondence from the applicant regarding this application but this had not impaired their ability to remain open minded and to consider the application impartially.

Resolved:

That the application be refused on the grounds that it is contrary to BCCS Policy ENV2, ENV8 and UDP Policies B5, EP5, SH10, SH14, D7, D8 and D9.

6 **16/00366/FUL - 7 Rookwood Drive, Wolverhampton**

The Chair announced that the report on application 16/00366/FUL, proposed first floor rear extension would be deferred to the next meeting pending a site visit.

7 **15/01422/FUL - Land adjacent to the Halfway House, 115 Tettenhall Road**

The Committee received a report regarding application 15/01422/FUL, apartment development (20 flats). The report had been brought back to Committee after it had resolved on 5 February to grant or refuse depending on the response from the Department of Transport.

Phillip Walker, Planning Officer reported that four extra objections had been received relating to access.

During the ensuing discussion it was questioned why the access and egress to the site was not from Cranmore Road. Members of the Committee also commented that the junction at Paget Road and Tettenhall Road was a busy, hazardous road system

and was close to the proposed access point. It was also felt that the proposal could lead to accidents on the highway by the site; that the Police would not be able monitor the junction in the way the Council might like; and that there were better access and egress options to the one presented.

In response the Planning Officer reported that he had spoken to the applicant who felt that access from Cranmore Road would not be appropriate for their plans. The Planning Authority was happy to accept the views of Transportation on this point.

Tim Philpot, Lead Transport Officer also reported that there were no recorded casualties attributable to access to the Halfway House going back to 1999. He therefore did not consider the proposed access was a safety problem.

Another member of the Committee commented that the junction was as hazardous when the site was used as a public house as it would be with any other development on the site. In the light of the Lead Transport Officer's update that there were no accidents in recent times at the junction, and the advice from the Department for Transport, she could not see any planning grounds upon which the application could be refused.

Resolved:

That the application be refused on transport and highways grounds.

8 **14/01210/FUL - Former Farndale Junior School**

The Committee received a report regarding application 14/01210/FUL, 15 apartments.

Some members of the Committee requested, on the basis of the complexity and scale of the site, that consideration of the application be deferred pending a site visit.

Andy Carter, Senior Planning Officer reported on the background to the site and the application. He drew the Committee's attention to the application site being a part of a wider development site on which Committee approval had previously been granted for a residential development comprising conversion of the existing school building to create 12 apartments, erection of 18 houses and three story building containing 15 apartments.

Stephen Alexander, Head of Planning informed the Committee that the applicant had been working hard with officers to make a difficult application work. The issues regarding the s106 Agreement were minor points. No objections or issues of concern had been raised regarding the application and it was a relatively straightforward matter. On that basis he respectfully asked that the Committee not delay determination of the application.

Resolved:

That the application be deferred to the next meeting pending a site visit.

9 **16/00115/FUL - Wolverhampton Grammar School, Compton Road**

The Committee received a report regarding application 16/00115/FUL, new two storey Primary School with parking, playgrounds, car parking and artificial mini-football pitch including floodlighting park.

Philip Walker, Planning Officer reported on the receipt of additional letters of objection from 37 different households and he summarised the issues raised in the new objections. He also reported that Transportation had agreed a slight change to the detailed recommendations. They had asked that the school not open for one year following the receipt of the highway junction improvement commuted sum section 106 Agreement.

Tim Philpot, Lead Transportation Officer reported that a s106 Agreement to the value of £200,000 had been reached regarding the cost of improving the junction at Merridale Road, Gamesfield Green and Aspen Way. It was a detailed scheme which would take time to develop. Transportation had also asked for a year before the school opened to allow time to develop the scheme. He also reported that Centro had agreed to relocate the bus stop further along Merridale Road. Regarding parking and exiting the site, a detailed report was available on how these aspects would be achieved and Transportation were satisfied with the plans.

Cllr Linda Leach (Chair) reported that she had received correspondence in relation to the application. She asked the Committee to keep an open mind and remain impartial during their consideration of the application and if they were unable to do so to respectfully they leave the room whilst the application was determined.

Some members of the Committee indicated that they had received and read correspondence in relation to this application but remained open-minded. Some members also expressed the view that there were material changes to the application compared to the previous report, including changes to the car parking plans at the site. They queried why the changes had not gone out to 21-day public consultation. Clarity was also sought on whether the £200,000 for the highways improvements to the junction was a part or whole cost for the scheme, and if more funding would be required where it would come from; who would draw up the plans for the junction; whether it be a roundabout or traffic light operated junction as the solution would have different effects on highway traffic and the environment; that there could be other access points onto the site that could have avoided Merridale Road; and it was also felt that the section in the report addressing the highways issues was light and a response from Centro should be sought. In the light of these concerns it was suggested that the application be deferred pending a site visit to focus on the highways implications and other access points to the site.

It was also suggested that some of the 19 conditions in the detailed recommendations within the report should be reviewed and where possible included within the consents. Some members of the Committee also felt that a number of the issues raised at the previous meeting had not been adequately responded to.

In response the Planning Officer advised that the question of whether the changes to the application represented a material change had been considered. It was the Planning Authority's view that the scheme itself was not substantially altered. He also advised that everyone who initially wrote in regarding the planning application had been written to informing them of the changes and inviting their comments thereon.

In response to the transport issues raised the Lead Transport Officer advised that, as and when appropriate, Transportation would work alongside consultants on the

design of the highways improvement scheme to the junction. Whoever was used to design the scheme their costs would be charged to the scheme. In terms of the costs, the £200,000 figure was the lower limit of the options. Other sources of funding could be drawn on if other options were required.

Resolved:

That the application be deferred pending a site visit and where necessary consultation with the residents who had responded to the original consultation on the application.

10

15/00745/FUL - 100 D'Eyncourt Road, Wolverhampton, WV10 0SY

The Committee received a report regarding application 16/00745/FUL, change of use to small residential care home for up to four children.

Paul Lester, Planning Officer reported that a further letter of objection had been received with concerns relating to parking, highways issues, lack of a turning circle and a dropped curb. A petition containing 134 signatures had also been received in opposition to the proposed application.

Mr Jeff Foster addressed the Committee and spoke in opposition to the application.

Mr Khalil also addressed the Committee and spoke in support of the application.

Cllr Judith Rowley asked whether under the Highway Code it was an offence to reverse onto the public highway. Tim Philpot, Lead Transport Officer reported that the Code referred to what was appropriate and was largely advisory. There was no specific offence of reversing onto the highway.

Cllr John Rowley reported that there had been a number of premises of the type of the proposed developed in the city. He drew the Committee's attention to the role of OFSTED in regulating children's care homes. Where there had been problems OFSTED had stepped in to help the premises to continue and to operate successfully. The developments provided an acceptable social function and he gave his support to the application.

Cllr Phil Page commented that not all the vehicles on the site would be ones used by the staff. In his experience there would also be regular visits from extra staff, such as case workers and different agencies. When this occurred it could mean a significant number of extra vehicles at the premises and this gave him cause for concern. In response the Lead Transport Officer reported that there would be three additional parking spaces at the premises and it was possible that not every member of staff would drive so the spaces would not necessarily be taken up by staff. There was no restriction on the road regarding short-term parking so extra visitors to the premises would not cause a significant disruption.

Resolved:

That the application be approved, subject to the following conditions:

- Number and age of children.
- Carer numbers and shift changes
- Parking provision

- 11 **16/00107/FUL - Caerleon Surgery, Dover Street, Wolverhampton**
The Committee received a report regarding application 16/00107/FUL, extension to existing surgery, to provide staff room and additional storage and record keeping space.

Resolved:

That the application be refused for the following reason:

The proposed extension would, by reason of its height, bulk and position relative to the houses and gardens of the adjoining properties, be detrimental to the amenity of neighbouring residents by virtue of an unacceptable loss of privacy and overbearing impact on outlook, contrary to BCCS Policies ENV3 and CSP4 and UDP Policies D4, D7, D8, and B5.

- 12 **16/00137/FUL - 93 Bushbury Road, Wolverhampton, WV10 8LZ**
The Committee received a report regarding application 16/00137/FUL, nine apartments.

Ragbir Sahota, Planning Officer reported that minor amendments had been made to the plan to overcome neighbour concerns. A petition containing seven signatures had also been received in support of the application. The applicant had called into question the validity of signatures on the first petition.

Resolved:

That the application be approved subject to the following conditions:

- Submission of materials
- Landscaping
- Drainage details
- Details of bin stores
- Details of cycle stores
- Construction of vehicular access/sliding gate with access control
- Parking areas to be provided
- Site investigation
- Construction method statement
- Details of external lighting
- Restrict first floor windows

Notes for Information

- Mining Advice Area

- 13 **16/00248/FUL - The Mount Bungalow, Deans Road, Wolverhampton**
The Committee received a report regarding application 16/00248/FUL, use of the land for the stationing of caravans for residential purposes, together with the formation of hard standing and utility day rooms.

Jo-Anne Rasmussen, Planning Officer reported that an additional objection had been received, the contents of which did not add any new points to those previously received. Seven Trent Water had also responded indicating that they had no objections to the application.

Some members of the Committee proposed that the application be refused on the basis of highways and transportation grounds; that it was also a busy site to consider the movement of caravans in and out; the history of the site and its accessibility by the Fire Service; some members also had concerns regarding how the site would be managed and its proximity to a local landfill site. Other members of the Committee expressed concerns on the amount of visitor traffic that would be at the three pitches; how the pitches would be managed economically; and that the site might be used for commercial purposes.

In response to the questions and concerns raised by the Committee Tim Philpot, Lead Transport Officer reported that he had checked the site and the width of the road appeared sufficient to enable a vehicle to turn. The highway was wide enough for static caravans to access the site so it would be sufficient for Fire Service access. Fire Service appliances also carried long hoses that could be deployed if they were unable to access the site direct. It would also be a small scale occurrence that vehicles would be leaving and entering the site. No business was in operation from the site and there were conditions prohibiting external storage on the site. Whilst visitor numbers to the site was a material planning consideration however, in this instance there was no evidence to support any harm to residents from visitors to the site. Finally, the development was close to a landfill site but Environmental Health had raised no concerns to the proposal. In terms of the legal clarification over the operation of Gypsy sites, the Legal Officer, Lisa Delrio reported that the Committee had to consider the case on its planning merits and referred members to paragraph 8.1 of the report.

Resolved:

That planning application 16/00248/FUL be granted subject to conditions including:

- A scheme detailing the delivery method for the static caravans
- Drainage details
- Laying out of the development in accordance with the approved plans
- Ground gas protection scheme
- Hard surfacing details for access route and site
- No burning on site
- No external storage
- Full details of caravans/ park homes.

14

16/00418/FUL - 6 Windmill Lane, Wolverhampton

Cllr Louise Miles declared a disposable non-pecuniary interest in this application and withdrew from the meeting during consideration of this item.

The Committee received a report regarding application 16/00418/FUL, closure of existing vehicular access at Windmill Bank and creation of a new vehicular access of Castlecroft Lane, Tettenhall Wightwick.

Mrs Felicity Lovell addressed the Committee and spoke in opposition of the application.

Mr Trevor Williams also addressed the Committee and spoke in support of the application.

Cllr Wendy Thompson commented that the existing access to the site off Windmill Bank was unsightly but she was disappointed that the proposed new access to the site would mean the loss of a section of the hedgerow. She also commented that the condition relating to the removal of existing hardstanding with landscaped area would be welcomed. She also observed that there had not been any issues regarding the historic access to the site but it was close to a junction and she would not be surprised if an accident occurred by a vehicle exiting the site and turning from the new access

Cllr Judith Rowley asked whether it would be reasonable to add another condition regarding visibility splay. In response Martyn Gregory, Section Leader informed the Committee that a detailed plan was available regarding how the hedgerow would be cut into. Transportation were happy with the visibility splay.

Resolved:

That planning application 16/00418/FUL be approved subject to the following conditions:

- Raise kerb
- Removal of existing hardstanding with landscape area.

Planning Committee

Tuesday, 6 September 2016

Planning application no.	16/00759/FUL	
Site	33 The Orchard, Bilston, WV14 0EA	
Proposal	3 new windows	
Ward	Bilston East;	
Applicant	Mr H Banger	
Cabinet member with lead responsibility	Councillor John C Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Charlotte Morrison	Planning Officer
	Tel	01902 551357
	Email	Charlotte.morrison@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant.

2.0 Application site

2.1 The application property has been converted for use as flats. The site is within the Bilston Town Conservation Area.

3.0 Application details

3.1 The application seeks planning permission for 3 new windows, which are already in position.

4.0 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)

7.0 Legal implications

- 7.1 Where an application is situated in or affects the setting of a Conservation Area, by virtue of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority in considering the application and exercising their powers must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In addition, the planning authority should have regard to any representations ensuing from publicity in relation to the application. (LD/23082016/C).

8.0 Appraisal

There are no privacy or overlooking issues and the windows preserve the character of the Conservation Area.

9.0 Conclusion

- 9.1 The development is in accordance with the development plan and is acceptable.

10.0 Detail recommendation

- 10.1 That planning application 16/00759/FUL be unconditionally granted.



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Planning Committee

Tuesday, 6 September 2016

Planning application no.	16/00501/FUL	
Site	Site 18 Phoenix Street, Blakenhall, Wolverhampton	
Proposal	Detached Outbuilding	
Ward	Blakenhall;	
Applicant	Miss K Harris	
Cabinet member with lead responsibility	Councillor John C Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
	Tel	01902 555641
	Email	tracey.homfray@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant

2.0 Application site

2.1 The application site is a detached bungalow, located in a predominantly residential area. which backs onto Phoenix Park . There is a bank of trees within Phoenix Park which are 3m away from the proposed outbuilding.

3.0 Application details

3.1 The proposed outbuilding would be constructed of brick, measures 10m wide, 4.8m deep, and 4.35m high with a mono pitched tiled roof.

4.0 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)

5.0 Publicity

5.1 No objections

6.0 Consultees

6.1 None

7.0 Legal implications

7.1 There are no legal implications arising from this report (LD/23082016/B)

8.0 Appraisal

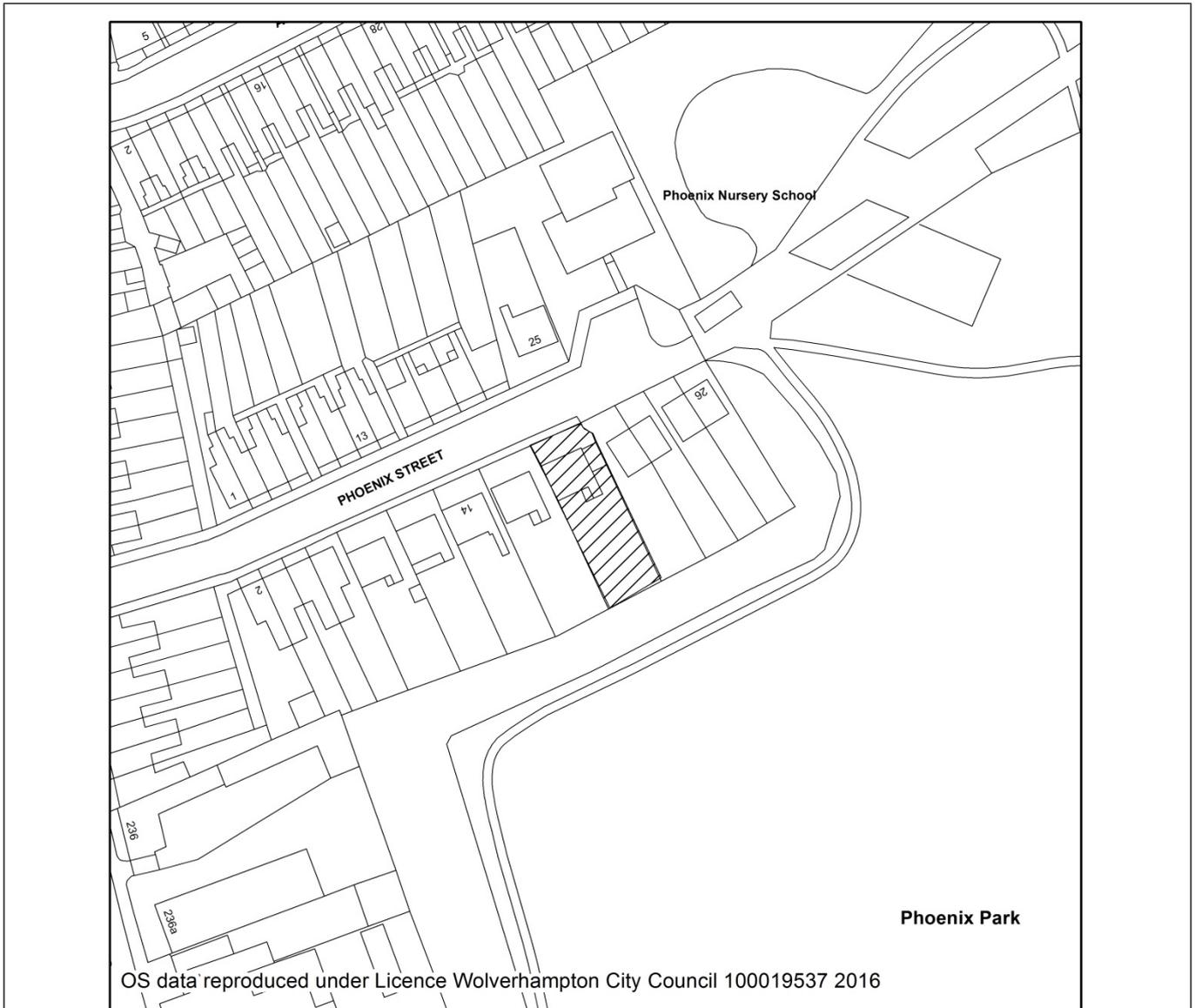
8.1 The design would be in keeping with the area. Although this large detached outbuilding would be visible from neighbouring properties, because of the intervening distances, neighbours' amenities would not be unduly affected. The trees within Phoenix Park would be sufficiently distant so as to avoid damage.

9.0 Conclusion

9.1 The proposed development would be in accordance with the development plan and would be acceptable.

10.0 Detail recommendation

10.1 That planning application 16/00501/FUL be Granted.



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Planning Committee

Tuesday, 6 September 2016

Planning application no.	16/00492/FUL	
Site	113 Blackhalve Lane, Wolverhampton	
Proposal	Residential development comprising one detached house and one detached bungalow	
Ward	Fallings Park;	
Applicant	Mr M Johnson	
Cabinet member with lead responsibility	Councillor John C Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
	Tel	01902 555641
	Email	tracey.homfray@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant subject to conditions.

2.0 Application site

2.1 The application site is a detached house on a large corner plot located within an exclusively residential street. Nearby houses are set within relatively large plots with long rear gardens.

3.0 Application details

3.1 The application is for a detached house next to the existing house, replacing an existing garage, and a detached bungalow, located to the rear of no.113 accessed off Greensway, a cul-de-sac.

4.0 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)

5.0 Publicity

5.1 Six letters of objection on the following grounds have been received:

- Access unable to cope with traffic, road too narrow
- Development affecting services/Nuisance from Construction Traffic
- Too high
- Danger to pedestrians
- Access for emergency vehicles
- On street parking / Inadequate parking provision
- Increased likelihood of new developments
- Loss of privacy
- Overdevelopment / garden grabbing
- Visual impact / loss of views
- Parking add to existing congestion

6.0 Consultees

6.1 Transportation – No Objections

7.0 Legal implications

7.1 There are no legal implications arising from this report (LD/23082016/A)

8.0 Appraisal

8.1 This application consists of two elements –

A detached house between the existing dwelling and no. 117 .

A detached bungalow located to the rear of no. 113 accessed off Greensway.

8.2 The principle of residential development is acceptable in this residential area.

8.3 The proposed development would be in keeping with the character of the area and would have sufficient garden space and parking.

8.4 Regarding neighbours' concerns regarding traffic issues in Greensway, the proposed bungalow would have off street parking for two vehicles, and Transportation raise no concerns.

8.5 The proposed detached house and detached bungalow would have no significant impact on neighbours' amenities.

9.0 Conclusion

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

10.0 Detail recommendation

That planning application 16/00492/FUL be granted, subject to any necessary conditions, such as the following:

- Levels
- Landscaping
- Materials
- Restrict permitted development rights of bungalow
- Provide/maintain car parking
- Hours of construction

Planning Committee

Tuesday, 6 September 2016

Planning application no.	16/00664/RC	
Site	Star Works, Frederick Street	
Proposal	Variation of condition 5 of 15/00676/FUL to increase the number of night club events from six to ten in the first year of operation	
Ward	Blakenhall	
Applicant	Ryan McGillicuddy	
Cabinet member with lead responsibility	Councillor John Reynolds Cabinet Member for City Economy	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Andy Carter	Senior Planning Officer
	Tel	01902 551132
	Email	andy.carter@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant subject to conditions

2.0 Application site

2.1 The site comprises the grade II listed Star Works, a former car factory, bounded by Frederick Street, Thomas Street and the St John's retail park. The site is within the City Centre boundary as defined by the adopted Area Action Plan, but outside the ring road. The immediate area has a mixture of night time uses, retail uses and some industrial uses.

3.0 Application details

3.1 The proposals seek to increase the number of night club events from six to ten in the first year of operation.

4.0 Planning History

4.1 15/00676/FUL – Change of use from B2 (general industrial) to sui generis (night club) forming new exists

5.0 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)
Wolverhampton City Centre Area Action Plan (AAP)

6.0 Publicity

- 6.1 One objection has been received, and is summarised below:
 - Impact on vitality and viability of the city centre

7.0 Consultees

- 7.1 Environmental Health – no objections

7.0 Legal implications

- 7.1 There are no immediate legal implications arising from this report RB/26082016/O

8.0 Appraisal

- 8.1 The key issues are:-

- Impact on amenity
- Impact on city centre
- Heritage

Impact on amenity

- 8.2 The site has permission for a night club use for one year with six events during that year. The temporary nature of the permission was due to concerns with potential impacts on residents in the wider area around the site. Five events have taken place with an acoustic consultant present to control noise levels. These events have not resulted in complaints from residents, and consequently there is no reason not to amend the condition on amenity ground, thus approving a further four events.

Impact on city centre

- 8.3 The site falls within the emerging Wolverhampton City Centre Area Action Plan (AAP). As the AAP is the process of being 'adopted' significant weight can be given to the relevant policies in the AAP. The site falls within the Blakenhall & Graiseley Character Area's Warehouse Quarter which supports "retained local quality employment land, suitable for pockets of mixed use development, to include residential, community (D1), leisure (D2), offices (B1a), and live/work". The night club use would be consistent with this, reflecting the mix of uses currently located in this area of the City Centre, such as

gyms (e.g. Dark Circle Martial Arts), bars (e.g. Jack's Café & Bar, Frederick Street) and banqueting suites (e.g. Royale, Pountney Street). The proposal would therefore also be consistent with AAP Policy CC3(b)(iv) regarding supporting the 'Leisure, Visitor and Cultural Facilities' of the City Centre.

Heritage

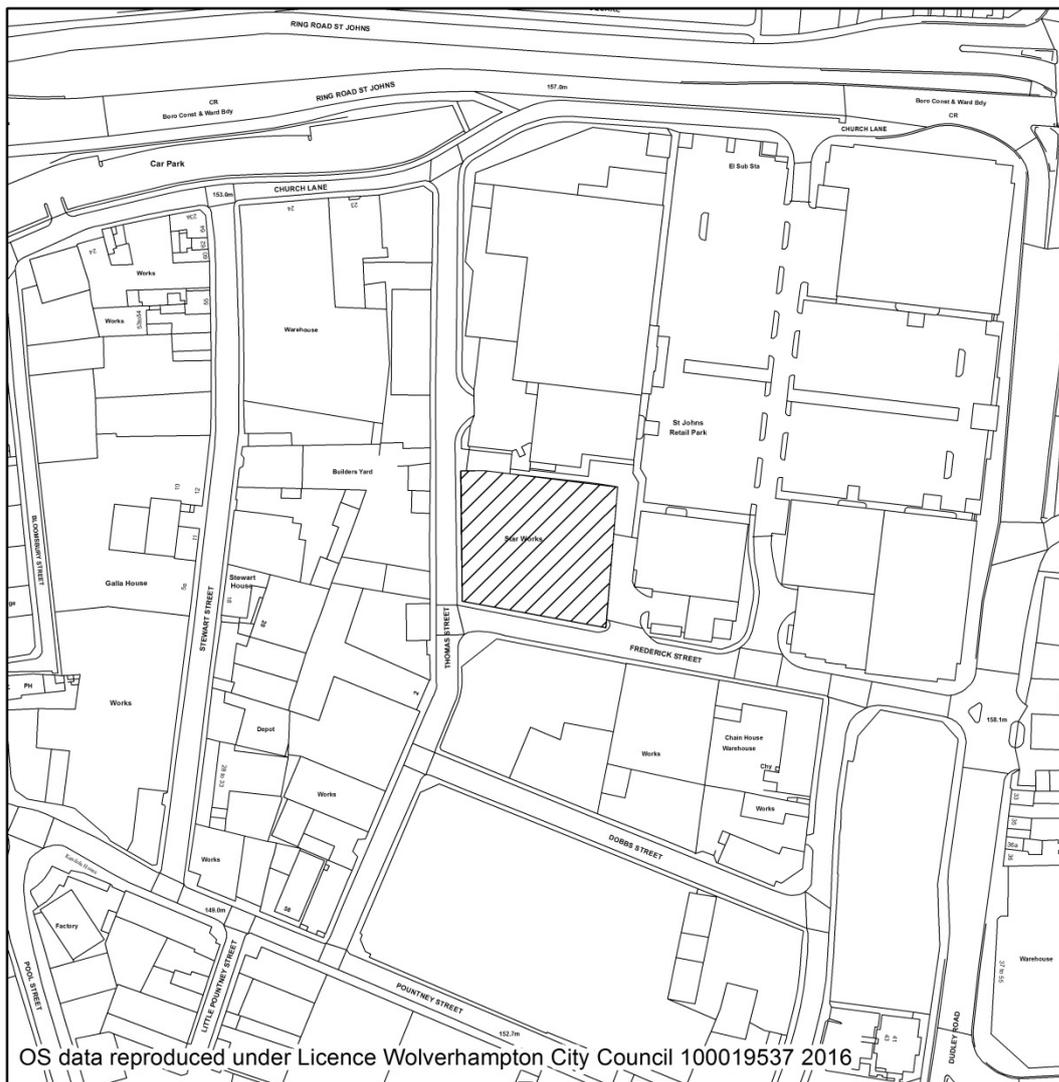
- 8.4 The proposals would continue the re-use of a grade II listed building which would otherwise be vacant, and potentially subject to dereliction and neglect.

9.0 Conclusion

- 9.1 Subject to conditions the proposal would be acceptable and in accordance with the development plan.

10.0 Detail recommendation

- 10.1 That planning application 16/00664/RC be granted, subject to any appropriate conditions including:
- Ten events in first year of operation
 - Operation in accordance with Noise Management Plan



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Planning Committee

Tuesday, 6 September 2016

Planning application no.	14/01210/FUL	
Site	Former Farndale Junior School	
Proposal	15 apartments	
Ward	St Peter's	
Applicant	Ikon Estates Ltd	
Cabinet member with lead responsibility	Councillor John Reynolds Cabinet Member for City Economy	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Andy Carter	Senior Planning Officer
	Tel	01902 551132
	Email	andy.carter@wolverhampton.gov.uk

1.0 Summary recommendation:

- 1.1 Delegated authority to grant subject to a Section 106 Agreement.
- 1.2 The application was deferred from 28 June 2016 Planning Committee to allow for a site visit.

2.0 Application site

- 2.1 The site was occupied by Farndale Junior School, now demolished, and totals 0.8ha in size. Accessed from Gatis Street the site is bounded by housing to the south and east, and public open space to the north and west.

3.0 Application details

- 3.1 Fifteen apartments are proposed in a three storey building. One parking space per apartment plus four visitor spaces are proposed. An area of landscaping around the building would provide shared open space.

4.0 Planning History

- 4.1 11/00545/FUL – Residential development comprising conversion of existing school building to create 12 apartments, erection of 18 houses and three storey building containing 15 apartments.

5.0 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)

6.0 Publicity

- 6.1 No representations received.

7.0 Consultees

- 7.1 Transportation and Environmental Health have no objections.

8.0 Legal implications

- 8.1 Section 106 of the Town & Country Planning Act 1990 (as amended) permits Local Planning Authorities to enter into agreements with applicants for planning permission to regulate the use and development of land. This includes the payment of a financial contribution for off-site works as well as the other requirements listed in Paragraph 9.5 below.
- 8.2 Legal Services will work with Planning Officers to ensure that a suitable Section 106 Agreement is entered into with the applicant. RB/26082016/I

9.0 Appraisal

- 9.1 The key issues are:

- Principle of Development
- Design and amenity
- Section 106 Agreement

Principle of Development

- 9.2 The application site forms part of a larger housing development, comprising family housing and apartments. The proposed apartment building is consistent and appropriate within this development.

Design and amenity

- 9.3 The site of the apartment building is the location of the former school building. The building reflects the height, mass and detailing of the demolished school, and also complements a previously approved three storey apartment block, which is under construction immediately to the west.
- 9.4 There would be sufficient amenity space for residents around the building.

Section 106 Agreement

- 9.5 There is a policy requirement for the following to be secured through a Section 106 agreement:
- Off-site open space contribution - £53,400
 - 25% affordable housing
 - 10% renewable energy
 - Targeted recruitment and training
- These requirements meet the legal test for section 106 obligations.

- 9.6 The applicants have submitted a financial viability appraisal which seeks to demonstrate that the development is not sufficiently viable to fund any Section 106 requirements. This has been considered by the District Valuer, and a lack of financial viability has been demonstrated.
- 9.7 It is appropriate to reduce the Section 106 requirements for renewable energy, open space contribution, and affordable housing to reflect the lack of viability, for all flats that are ready for occupation within three years from the date that the lack of viability is demonstrated, with the full pro-rata requirement applying to all flats that are not ready for occupation by that date.

10.0 Conclusion

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

11.0 Detail recommendation

- 11.1 That the Service Director, City Economy be given delegated authority to grant planning application 14/01210/FUL subject to:

- (i) A Section 106 agreement for the following:
Targeted recruitment and training;

and a reduction in the Section 106 requirements for renewable energy, open space contribution, and affordable housing to reflect the lack of viability, for all flats that are ready for occupation within three years from the date that the lack of viability is demonstrated, with the full pro-rata requirement applying to all flats that are not ready for occupation by that date.

(ii) any appropriate conditions including:

- Materials;
- Landscaping;
- Covered cycle parking;
- Details of bin store;
- Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.

