

**Time** 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory

**Venue** Committee Room 3 - 3rd Floor - Civic Centre

## Membership

**Chair** Cllr Dr Michael Hardacre (Lab)

**Vice-chair** Cllr Anwen Muston (Lab)

### Labour

Cllr Obaida Ahmed  
Cllr Harman Banger  
Cllr Alan Butt  
Cllr Celia Hibbert  
Cllr Keith Inston  
Cllr Clare Simm  
Cllr Mak Singh  
Cllr John Rowley

### Conservative

Cllr Jonathan Yardley  
Cllr Wendy Thompson

Quorum for this meeting is four Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope  
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Wolverhampton WV1 1RL

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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               | <b>Apologies for absence</b>  |
| 2               | <b>Declarations of interest</b>   |
| 3               | <b>Minutes of the previous meeting</b> (Pages 3 - 6)<br>[To approve the minutes of the previous meeting as a correct record.] |
| 4               | <b>Matters Arising</b><br>[To consider any matters arising.]  |
| 5               | <b>866 Stafford Road, WV10 6NU</b> (Pages 7 - 10)<br>[To consider the planning application.]                                  |
| 6               | <b>Former Royal Hospital site</b> (Pages 11 - 22)<br>[To consider the planning application.]                                  |
| 7               | <b>2 Woodcote Road Wolverhampton WV6 8LP</b> (Pages 23 - 26)<br>[To consider the planning application.]                       |
| 8               | <b>Goodyear Development Site</b> (Pages 27 - 32)<br>[To consider the planning application.]                                   |
| 9               | <b>Goodyear Factory, Stafford Road</b> (Pages 33 - 38)<br>[To consider the planning application.]                             |
| 10              | <b>Land Formerly BASF Premises, Well Lane</b> (Pages 39 - 44)<br>[To consider the planning application.]                      |

### Attendance

#### Councillors

Cllr Dr Michael Hardacre (Chair)  
Cllr Anwen Muston (Vice-Chair)  
Cllr Harman Banger  
Cllr Alan Butt  
Cllr Celia Hibbert  
Cllr Keith Inston  
Cllr Clare Simm  
Cllr John Rowley  
Cllr Jonathan Yardley  
Cllr Wendy Thompson

#### Employees

Stephen Alexander	Head of Planning
Lisa Delrio	Solicitor
Martyn Gregory	Section Leader - Planning
Tracey Homfray	Planning Officer
Phillip Walker	Senior Planning Officer
Gerwyn Owen	Professional Lead - Transport Development
Donna Cope	Democratic Services Officer

### Part 1 – items open to the press and public

*Item No.*    *Title*

**1        Apologies for absence**

Apologies for absence were received from Councillor Obaida Ahmed.

**2        Declarations of interest**

There were no declarations of interest.

**3        Minutes of the previous meeting**

Resolved:

That the minutes of the previous meeting held on 22 May 2018 be confirmed as a correct record and signed by the Chair.

4 **Matters Arising**

There were no matters arising from the minutes of the previous meeting.

5 **18/00231/FUL - 24 Beech Road, Wolverhampton**

The Committee considered a report regarding 18/00231/FUL, single storey lounge extension and a conservatory to the rear.

Mr Jaspal Singh addressed the Committee and spoke in support of the application.

Resolved:

That planning application 18/00231/FUL be refused planning permission for the following reason:

The proposed extension would, by reason of its height, bulk and position relative to the house/garden on the adjoining property at 22 Beech Road, have an unacceptable overbearing impact, loss of privacy, /reduce the amount of light/sunlight, and on the outlook presently enjoyed by that garden and house. Relevant UDP Policies: D7 & D8 and BCCS ENV3.

6 **18/00504/FUL - 27 Penk Rise, Wolverhampton**

The Committee considered a report regarding 18/00504/FUL, single storey rear extension with dormer in the loft and retrospective single storey front extension and boundary fencing.

Mrs Donna Latham addressed the Committee and spoke in support of the application.

In response to statements made, Martyn Gregory, Section Leader, Planning, advised the Committee that works already carried out on the property had not been authorised and no documented records could be found to refute this.

Resolved:

That planning application 18/00504/FUL be refused and enforcement action taken against the unauthorised development.

7 **18/00731/FUL - 43 Willow Avenue, Wolverhampton**

The Committee considered a report regarding 18/00731/FUL, first floor side/rear extension and front porch.

Councillor Steve Evans addressed the Committee and spoke in support of the application.

Councillor Keith Inston pointed out that the application was to be considered on planning grounds only, and having seen the site, considered it would be acceptable with no adverse impact.

In response to a question from Councillor John Rowley, Tracey Homfray, Planning Officer, pointed out that if the applicant needed extra space this could be achieved

without the planning application being granted with an option of using the loft space and creation of 2 bedrooms over the garage which would not be intrusive.

Resolved:

That planning application 18/00731/FUL be approved subject to the following condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, replacing and re-enacting that Order with or without modification) no windows or other form of opening above ground floor level shall be introduced into the South/East or North/West elevations(sides) of the building hereby permitted. Relevant UDP policies D8, D4, H6.

**8 18/00511/FUL - Pantheon Park, Wednesfield Way, Wolverhampton**

The Committee considered a report regarding 18/00511/FUL, new motor trade showroom (sui generis use) with forecourt display area, vehicle preparation/valet and wash facilities, associated access and landscaping.

Phillip Walker, Senior Planning Officer, reported on updates to the report since it had been published. With reference to Paragraph 4.3 of the report he advised that planning application 18/00580/FUL had been granted on 3 July 2018. With reference to the recommendation and Paragraph 11.1 criterion 1 of the report, he stated that this be amended such that the s106 should require a commuted sum of £8,840 for the removal of the trees and shrubs along Wednesfield Way.

Resolved:

That planning application 18/00511/FUL be approved subject to:

- I. Section 106 obligation to secure:
  - Compensatory payment of £10,000 for the loss of the trees and shrub planting along Wednesfield Way, to be used for the provision of replacement trees and shrub planting in the vicinity of the site
  - A commuted sum of £8,840 for the removal of the trees and shrubs along Wednesfield Way
  - Off-site financial contribution of £35,000 towards highway improvement works to the Willenhall Road / Neachells Lane / Moseley Road Junction
  - Targeted recruitment and training
- II. Receipt of an acceptable flood risk assessment
- III. Any necessary conditions to include:
  - External lighting specification
  - Landscaping and tree protection measures
  - Boundary treatments
  - External materials
  - Drainage
  - Parking to be provided and retained as shown
  - Electric vehicle charging points
  - Cycle and motorcycle parking
  - Bin stores

- Car parking management plan

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> <b>Tuesday, 11 September 2018</b>
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<b>Planning application no.</b>	18/00296/OUT	
<b>Site</b>	866 Stafford Road, WV10 6NU	
<b>Proposal</b>	Outline application to demolish the existing house and erect one house and two bungalows. All matters are reserved except for layout.	
<b>Ward</b>	Bushbury North;	
<b>Applicant</b>	Mrs Delia Jacques	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds Cabinet Member for City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Phillip Walker	Senior Planning Officer
	Tel	01902 55 5632
	Email	phillip.walker@wolverhampton.gov.uk

**1.0 Summary recommendation:**

1.1 Grant subject to conditions.

**2.0 Application site**

2.1 The application site includes a two storey house set in a large plot, with mature front and rear gardens, accessed from Stafford Road. To the sides and rear are other dwelling houses, also set in large plots.

**3.0 Application details**

3.1 The application seeks outline consent, with all matters reserved except for layout, to demolish the existing house and erect a detached house and two bungalows.

3.2 The proposed house would be sited at the front of the site, in a similar position to the existing property. Two dormer bungalows would be erected towards the rear of the site on land comprising the existing rear garden. An internal access road including turning area is shown connecting the dwellings with Stafford Road.

#### **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)  
Stafford Road Corridor Area Action Plan

#### **5.0 Publicity**

- 5.1 Three objections. Comments as follows:
  - Unacceptable neighbour impact: loss of enjoyment of rear private gardens; concerns about general disturbance, a loss of privacy, sunlight and daylight; unacceptable overbearing impact, noise and traffic disturbance
  - Concern about Fire Service access
  - Detriment to visual amenity
  - Security concerns
  - Proposed dwellings located too close to a brook
  - Unacceptable precedent for allowing development in rear gardens of other dwelling houses
  - Detrimental to highway and pedestrian safety
  - The development would be out of character with surrounding development
  - Harm to wildlife and trees

#### **6.0 Consultees**

- 6.1 Transportation – No objections.
- 6.2 Ecology – No objection subject to implementation of the ecology survey recommendations.
- 6.3 Tree Officer – No objection subject to tree protection condition.

#### **7.0 Legal implications**

- 7.1 There are no legal implications arising from this report (LD/02082018/J).

#### **8.0 Appraisal**

- 8.1 The layout of development is in keeping with the existing spacious pattern of development in this area. Separation distances between existing dwellings and the proposed dwellings is acceptable. The layout of development would not have an unacceptable impact upon neighbour amenity, subject to agreement of “Scale”, “Appearance”, “Access” and “Landscaping” at reserved matters stage.

8.2 Although “Access” is not for consideration at this stage, the proposed layout shows acceptable access arrangements. Each dwelling would have three off road car parking spaces which would be acceptable for a development of this size.

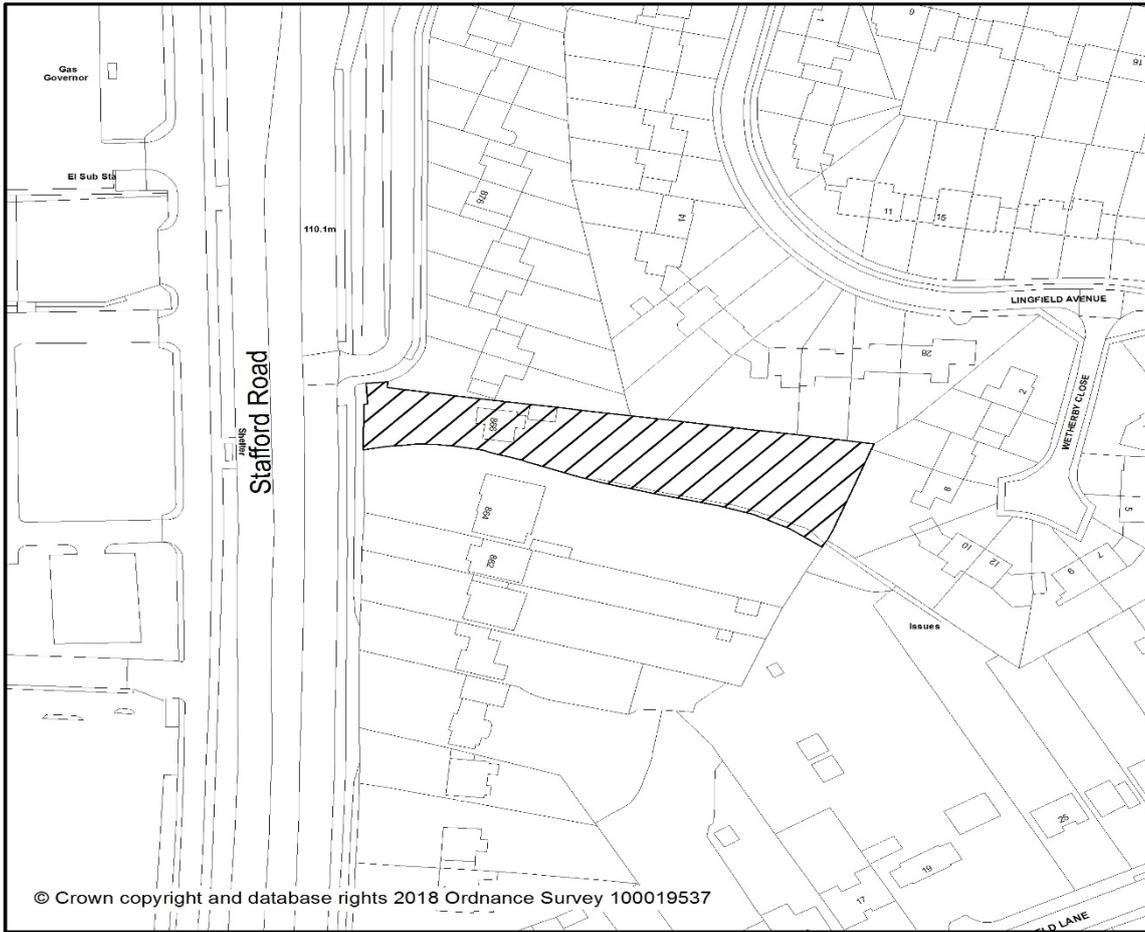
## **9.0 Conclusion**

9.1 The layout of the proposed development would be in keeping with the existing pattern of development. There would be acceptable amenity for future residents of the proposed dwellings and the occupants of surrounding dwellings. The proposals are in accordance with the policies of the development plan.

## **10.0 Detail recommendation**

10.1 Grant planning application 18/00296/OUT subject to the following conditions:

- Outline conditions; requiring the submission of the reserved matters
- Floor plans for dwellings
- Boundary treatments
- Levels
- Tree protection measures
- Drainage
- External materials
- Demolition and Construction management plan
- Provision of vehicle circulation and parking areas
- Bin stores
- Electric vehicle charging points
- Remove permitted development for roof extensions and additional roof lights to the bungalows
- Implementation of ecology and wildlife enhancement measures



<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> <b>Tuesday, 11 September 2018</b>
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<b>Planning application no.</b>	17/01209/FUL and 17/01210/LBC	
<b>Site</b>	Former Royal Hospital development site, Cleveland Road	
<b>Proposal</b>	<p>Hybrid planning application (17/01209/FUL) Area A - 'Full' permission for change of use of the former main hospital building (Grade II listed building) and external and internal alterations to provide 53 residential apartments; change of use of the former lodge building to Use Class A1 (Shops) / A3 (Restaurants and Cafes), associated access, car parking and landscaping; and demolition of former nurses accommodation block and redevelopment to create an apartment block (24 apartments) together with access, car parking and associated site infrastructure. Area B - 'Outline' permission for up to 115 residential dwellings (all matters reserved).</p> <p>Listed Building Consent application (17/01210/LBC) Former Royal Hospital Building – Retention, conversion and alterations to create 53 apartments Former Lodge – Retention, conversion and alterations to use class A1 (shops) / A3 (restaurants and cafes) Former Nurses Home: Full demolition of building</p>	
<b>Ward</b>	Ettingshall;	
<b>Applicant</b>	Homes England	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds Cabinet Member for City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Phillip Walker	Senior Planning Officer
	Tel	01902 55 5632
	Email	phillip.walker@wolverhampton.gov.uk

**1.0 Summary recommendation:**

- 1.1 Delegated authority to grant applications 17/01209/FUL and 17/01210/LBC subject to referral of the applications to the Secretary of State and a s106 Agreement.

## 2.0 Application site

- 2.1 The site is located to the south-east of Ring Road St George's. The core of the City centre is located to the west of the site, within the Ring Road. The site covers an area of approximately four hectares and is bounded by Cleveland Road to the north, Vicarage Road to the west, Gordon Street to the south and Steelhouse Lane to the east. The whole of the site is located within the Cleveland Road Conservation Area.
- 2.2 Within the site is the former Royal Hospital (main building), Lodge and the former Nurses Home.

### The former Royal Hospital

- 2.3 The original 1849 building and its Victorian and Edwardian extension wings are Grade II listed. Following its closure in the late 1990s, the building was subject to extensive vandalism. Some remedial work has since been undertaken, including installation of a new roof and windows, and the 20th century extensions removed.

### Former Nurses Home

- 2.4 The former Nurses Home is located on the corner of Vicarage Road and Sutherland Place. It comprises three main brick storeys topped by a third floor slate mansard. It has also suffered from vandalism and theft of materials resulting in water penetration. Some stabilisation work has been undertaken.

### The Lodge

- 2.5 The lodge was built in 1863 and is a small (100sq.m) single storey structure located on the corner of Cleveland Road and Vicarage Road.
- 2.6 The remainder of the site is cleared (3.2 hectares) ready for development
- 2.7 There are a number of industrial and commercial uses located to the north, east and west of the site. Beyond these the area predominantly comprises residential development. To the north west of the site is the former bus depot site, which is also owned by Homes England and recently received outline planning consent for residential redevelopment.
- 2.8 Homes England acquired the site from Tesco in March 2016.

## 3.0 Application details

- 3.1 Two associated applications have been submitted. These are:
- 3.2 17/01209/FUL: This is a hybrid application. 'Full' permission is sought for a change of use of the former main hospital building (Grade II listed building) and external and internal alterations to create 53 residential apartments with resident car parking. The former lodge building is proposed to be retained and converted for use as a shop (A1 use) and restaurant/café (A3 use). The former nurses' home is proposed to be demolished. A modern, predominately brick built three storey apartment building including twenty four flats is proposed to be sited in a similar position to the former nurses' home. Resident car parking would be provided to the rear of the building.

'Outline' approval for a maximum of 115 dwellings, with all matters reserved is sought for the 3.2 hectares of cleared land.

- 3.3 17/01210/LBC: This listed building consent application proposes:  
Main Building: Retention, conversion and alterations to create 53 flats.  
Lodge: Retention, conversion and alterations to create a shop or café/restaurant  
Nurses Home: Full demolition of building.

#### **4.0 Planning history**

- 4.1 16/01358/FUL – Site works and remediation. Granted 02.02.2017.
- 4.2 11/00365/FUL - Large retail store (Class A1), petrol filling station, small retail units (A1), restaurant and café (A3) and office/community space. Granted 12.12.2011
- 4.3 11/00366/CON - Demolition of Cleveland House. Granted 12.12.2011.
- 4.4 11/00367/LBC – Listed Building Consent. Former Royal Hospital building:- Part demolition, part retention and extension of existing building to create a retail store-led mixed use development. Former Nurses Home:- Retention, restoration and conversion to offices. Former Lodge:- Retention, restoration, conversion to café. Demolition of new wing/veranda building. 12.12.2011.
- 4.5 08/00313/VV - Variation of Condition 5 of listed building consent 06/01259/LBC. Granted 14th of April 2008.
- 4.6 06/01260/CON - Demolition of former bus depot and rear extensions to former club and public house. Granted 13th of August 2007.
- 4.7 06/01259/LBC - Demolition of all buildings except hospital main building, lodge and nurses home. Main Building: Retention, restoration and conversion to create a primary care centre and offices. Nurses Home: Retention, restoration and conversion to provide 23 self contained flats. The Lodge: Retention, restoration and conversion to provide a restaurant/cafe (A3). Granted 13th of August 2007.
- 4.8 06/01078/OUT - 'Hybrid' full / Outline Planning Application, including part demolition and part retention of existing buildings, to provide a mixed use development comprising housing (C3), offices (B1), primary care centre and administrative offices, retail (A1), financial and professional services offices (A2) and food and drink uses (A3-5), together with associated car parking, highways and access works and landscaping. Decision pending - S106 not signed.
- 4.9 01/1307/OP - Mixed use re-development, including part demolition and part retention and refurbishment of existing buildings, to comprise retail (Class A1 and A3), residential (Class C3), healthcare (Class D1), business (Class B1) and petrol filling station, with associated-development, including part demolition and part retention. Not determined.

#### **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)  
City Centre Area Action Plan

## 6.0 Publicity

6.1 Two letters of support and six letters objecting (including an objection from All Saints Action Network) to the proposals have been received.

- Supporting comments:
  - Opportunity to regenerate and improve the appearance of the area.
- Objection comments:
  - Concerns are raised about the traffic implications of the proposals and the potential for “rat-running”, inadequate cycle provision, possible noise implications of surrounding industry for future residents and inadequate provision of open space, affordable housing, health facilities and pressure on existing schools to accommodate additional pupils.

## 7.0 Consultees

- 7.1 Historic England have concerns regarding these applications on heritage grounds. They comment that, the application underplays the heritage value of the nurses’ block in its own right and in terms of its contribution to the conservation area. They do not consider that the impact of the loss of the nurses block would be slight and that this should be given greater weight. They do however say that if the Council consider the public benefits offered by the redevelopment and regeneration of this site justify the harm to historic significance, these benefits should be secured by conditions requiring the approval of the reserved matters and the letting of a contract for redevelopment prior to the demolition of the nurses’ block.
- 7.2 The Council for British Archaeology object to the demolition of the former nurses’ home which they say constitutes significant harm to the Grade II Listed Royal Hospital. They comment that the proposed apartment block is not an appropriate replacement.
- 7.3 The Victorian Society object to the demolition of the curtilage listed former nurses’ accommodation block and state that this would result in substantial harm to the overall significance of the Grade II Listed Royal Hospital. They do not consider that the proposed apartment block is an appropriate replacement, and request that the applications be referred to the Secretary of State in accordance with the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, should the Council be minded to grant permission.
- 7.4 Environmental Health has no objection subject to conditions including construction management plan, bin stores, ground remediation, noise and air quality mitigation.
- 7.5 Transportation has no objection subject to conditions requiring provision and retention of vehicle and cycle parking and provision of electric vehicle charging points.

7.6 Staffordshire County Council Flood Risk Management Service has no objection subject to a condition requiring the implementation of the flood risk assessment.

7.7 West Midlands Police have no objection.

## **8.0 Legal implications**

8.1 The legal implications are set out in the body of this report.(LD/14082018/B)

## **9.0 Appraisal**

9.1 The main issues in this case are:

- i. The principle of the proposed uses
- ii. Design and Impact on heritage assets
- iii. Residential amenity
- iv. Access and parking
- v. Section 106 Agreement

### Principle of development

9.2 The site is identified in the City Centre AAP as part of the Royal Hospital development area. The designation sets out housing as an acceptable primary use and allows for complimentary uses including retail, food and drink. The proposals are consistent with this policy position.

### Design and impact on heritage assets

9.3 The main issues for consideration are whether:

- i. there is a clear and convincing justification for the loss by demolition of the curtilage listed former nurses' block;
- ii. the effect of the proposed demolition of the nurses' block on the significance and setting of the wider grade II heritage asset of which it forms part; and
- iii. the impact on the character and appearance of the Cleveland Road Conservation Area.

9.4 The Council's adopted UDP (HE1, HE3, HE5, HE6) and BCCS (ENV2) Historic Environment Policies are in line with the requirements of legislation which requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Preservation means doing no harm, with considerable importance and weight to be given to avoiding such harm (The National Planning Policy Framework (the Framework), recommends that permission should be refused for any schemes that would lead to "substantial harm" to a designated heritage asset, unless there are substantial public benefits of doing so that outweigh the harm (or an absence of alternative uses and viability constraints combined with a beneficial end use of the site as part of the consent).

9.5 The Framework explains that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance. It states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 9.6 It states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.7 The Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, should be exceptional.
- 9.8 The Framework sets out the four tests which apply when considering a proposed development which will lead to substantial harm to or total loss of a designated heritage asset. These are;
- The nature of the heritage asset prevents all reasonable uses of the site; and
  - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
  - The harm or loss is outweighed by the benefit of bringing the site back into use
- 9.9 Paragraph 198 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Developers should be required to record and advance understanding of the significance of any heritage asset to be lost in a manner proportionate to their importance and to make this evidence publicly accessible.

*Architectural or historic interest*

- 9.10 Cleveland Road Conservation Area is an area developed in the late nineteenth century for manufacturing works, terraced housing and the former Royal Hospital. While the housing and some of the street pattern (Sutherland Place and Portland Place) laid out in the late nineteenth century have been demolished, the hospital which is listed Grade II and its early twentieth century nurses' block which is curtilage listed, survive and are central to the significance of the conservation area. The nurses' block is an attractive Edwardian Queen Anne style, and is complimentary to the classical design of the listed Hospital building. The demolition and replacement of the nurses' block and replacement with a block of flats would have a major impact on the character of the conservation area.
- 9.11 In accordance with the Framework an Historic Area Assessment has been submitted. This identifies the nurses' block as of townscape value but of little heritage significance, however this assessment underplays the importance of the historic and evidential value to the significance and

thus underplays the historic value of the nurses' block in its own right and in terms of its contribution to the conservation area. In particular, it is not agreed that the impact of the loss of the nurses' block is slight and this should be given greater weight. The total loss of historic fabric involved amounts to substantial harm as described in the Framework.

*Structural Condition*

9.12 Paragraph 191 of the Framework requires the Council to have regard to whether there has been deliberate neglect which has led to the deteriorated state of the building. The current condition of the building follows years of neglect by the previous owners and this has contributed to the current state of the building. However, since acquiring the building in 2016, Homes England have undertaken detailed structural inspections of the building, secured the building and identified areas where temporary structural propping is required.

9.13 The tests of paragraph 195 of the Framework

*Does the nature of the heritage asset (Nurses' block) prevent all reasonable use of the site?*

9.14 The former nurse's homes building is curtilage listed and Homes England say that the intention was to re-use the building. An options assessment identified residential as the optimum viable use. An extensive process of development option evaluation has taken place and the options were informed by a structural survey of the building and were designed and costed. This process concluded that it is not possible to retain the former nurse's homes building and convert it to an alternative use either on its own or comprehensively within the wider application site. The options assessment has been independently appraised by the District Valuer and he has confirmed that it is not financially viable to convert and restore the former Nurses block for alternative uses such as residential apartments. The nature of the heritage asset therefore prevents all reasonable uses.

*Is conservation through grant funding or some form of charitable or public ownership demonstrably not possible?*

9.15 Homes England have written to and discussed the proposed development with a range of possible bodies, including the Building Preservation Trust and the Heritage Lottery Fund and those organizations have confirmed that funding of the scale require to convert and reuse the nurses' accommodation block would not be possible.

9.16 On the 18th May 2018, the City of Wolverhampton Regenerating Buildings Preservation Trust confirmed that: "it is the Preservation Trust's view that without a substantial multi-million-pound grant by Homes England, the Preservation Trust's preferred option of retention of the Curtilage listed former Nurses Home is not a viable project."

9.17 On 17th April 2018, the Heritage Lottery Fund confirmed that there were no sources of funding available to support the proposed re-use of the former nurse's home building. Of the limited funding streams available to the project, it was confirmed that Heritage Enterprise and Heritage Grant funding would not be possible. In any event, even if it were possible to attract grant, the amount would not be sufficient to meet the identified gap.

- 9.18 Therefore the applicant has demonstrated that conservation through grant funding or some form of charitable or public ownership is demonstrably not possible.

*Is there no viable use to be found in the medium term through appropriate marketing that will enable its conservation?*

- 9.19 A series of development appraisals have been submitted and these have shown that the retention and reuse of the former nurse's home building is not financially viable. The District Valuer has confirmed this.

*Would the loss of the asset outweigh the benefit of bringing the site back into use?*

- 9.20 The nurses' block is within the curtilage and setting of the grade II listed former Royal Hospital. The total loss of the nurses' block would constitute substantial harm, diminishing the setting and the significance of the Royal Hospital and would therefore result in harm to the setting and significance of the wider heritage asset of which it is a part.
- 9.21 However, the proposed development will allow for the regeneration of the site and wider area, the provision of new housing and the retention and reuse of the Grade II listed main former hospital building, one of the City's most iconic listed buildings. There would also be benefits to the public realm, including the possible creation of a public square on Cleveland Road, improved pedestrian links and the re-use of the lodge building for retail/café uses which will benefit the community.
- 9.22 The application proposes an apartment block to replace the curtilage listed former nurses' home. The new apartment block would be a contemporary design and sited in a similar position to the existing nurses block. It would be an appropriate scale and massing. Prior to the demolition of the former nurses' home, planning conditions can require the developer to record the heritage asset and make the evidence publicly available. Furthermore, demolition works can be conditioned such that they cannot be permitted to commence until a contract is let to erect the replacement apartment building. The reserved matters applications for the residential development on the land adjacent to the former nurses' should also be approved before demolition of the former nurses' block can commence.
- 9.23 In summary, the former nurses' home building still retains its special architectural and historic interest, which it is desirable to preserve. Its proposed demolition would constitute substantial harm which would fail to preserve the significance and setting of the whole heritage asset. However, taking into account all material considerations, including the proposed replacement apartment building, the options appraisals and structural surveys, which have demonstrated that it would not be financially viable to retain and convert the building for other uses, and in the absence of grant funding to bridge the funding gap, it appears that the substantial public benefits of bringing the site back into use cannot be secured without the demolition of the former nurses' building. The demolition of the building is justified to secure the substantial public benefits offered by the redevelopment and regeneration of this site and the proposals are therefore in accordance with the tests of the Framework.

#### Residential Amenity

- 9.24 There is potential for disturbance from road noise and nearby businesses to the occupiers of the new dwellings, but this can be satisfactorily mitigated by the implementation of an acoustic glazing and ventilation scheme. The submission and implementation of an acoustic glazing and air ventilation scheme can be conditioned.

9.25 The proposed redevelopment of this derelict site would significantly improve the general environment for neighbouring occupiers.

#### Access and Parking

9.26 The site is in a highly sustainable location, in walking distance to the city centre, and transport interchange. Satisfactory off-street parking is proposed for the new flats and retail/café development. Appropriate access and parking arrangements can be secured for the cleared area of the site for which 'Outline' consent is sought, through the agreement of reserved matters applications.

#### Section 106 Agreement

9.27 In accordance with development plan policies there is a requirement for the following:

- 25% affordable housing
- a public open space and play contribution of £100,000 to be used towards the provision of pocket parks within the vicinity of the site
- various highway works, including traffic regulation orders
- management of communal areas
- 10% renewable energy

9.28 The applicants have submitted a financial viability appraisal. The District Valuer has confirmed that the scheme is not sufficiently viable to fund all of the normal Section 106 requirements.

9.29 A key priority for the Council is the delivery of affordable housing. As such it would be appropriate to prioritise the provision of affordable housing over the other Section 106 requirements. The District Valuer has confirmed that the development proposal can provide 12.5% affordable housing.

9.30 Because it has been confirmed by the District Valuer that the scheme cannot afford to provide all section 106 requirements it would be appropriate to reduce the Section 106 requirements, commensurate with the lack of viability, with such a reduction being for a 3 year period only, to reduce the likelihood that the developers would benefit unduly from rising home prices making the development viable.

## 10.0 Conclusion

10.1 The development proposals will deliver significant benefits, including

- The regeneration of a large and high-profile brownfield site, at a key gateway to the City location which has been vacant for over fifteen years.
- The reuse of the Grade II listed former Royal Hospital building, one of the City's most iconic listed buildings.
- The reuse of the lodge building (curtilage listed building) through the provision of a class A1 retail / A3 café use
- A replacement apartment building, which acknowledges the defining characteristics of the nursing accommodation block and enhances the conservation area.
- The delivery of up to 192 dwellings, including a proportion of affordable dwellings, in a layout of development that will enhance the local area and result in community benefits.

10.2 The scheme results in the loss of the former nurses' home, which is harmful to the historic significance of the Grade II listed former Royal Hospital building and the Conservation Area, however the demolition of the former nurses' home building and the harm that this would cause to historic significance, is justified in order to secure the substantial public benefits offered by the redevelopment and regeneration of this site.

## 11.0 Detail recommendation

11.1 If minded to grant, the applications need to be referred to the Secretary of State, in accordance with the "Arrangements for handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015" because Historic England, Victorian Society and The Council for British Archaeology have objected.

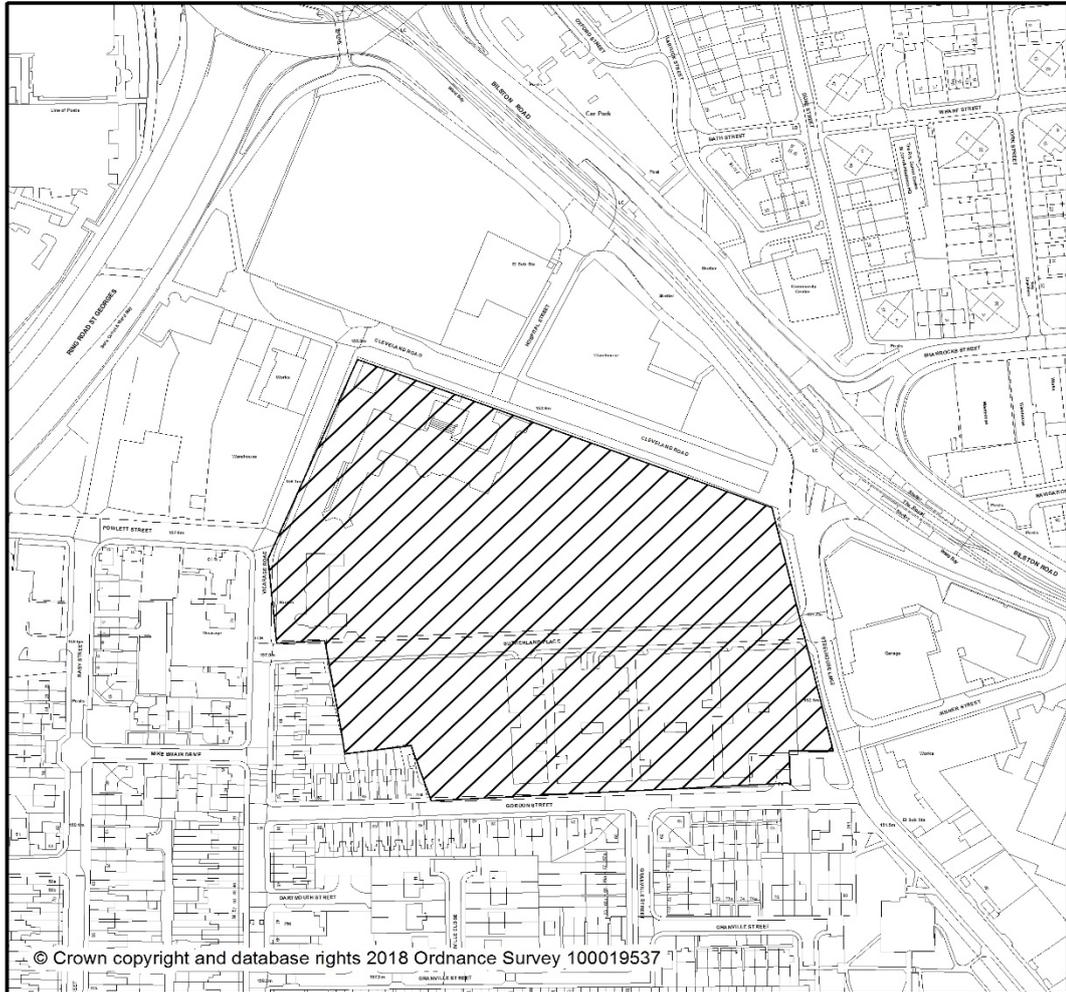
11.2 17/01209/FUL – That the Strategic Director for Place be given delegated authority to grant subject to:

- i. Referral of the application to the Secretary of State in accordance with the arrangements for handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015
- ii. Signing of a S106 for:
  - highway works, including any necessary traffic regulation orders
  - management of communal areas and apartments
  - 12.5% Affordable housing
  - Reduction of the Section 106 requirements commensurate with the lack of viability, with such a reduction being for a 3 year period only
- iii. Any necessary conditions to include:
  - Construction management plan and method statement
  - Drainage
  - Levels
  - Recruitment and Training
  - Bin stores
  - Cycle and motorcycle parking
  - Boundary treatments
  - Provision of electric vehicle charging points
  - Acoustic attenuation
  - Provision of parking
  - External Lighting
  - Travel Plan
  - Landscaping
  - Ground remediation
  - External materials
  - Submission of reserved matters associated with the outline
  - Demolition of the nurses' home not to commence before a contract for the carrying out of the construction of the apartment block (24 apartments) to replace the former nurses' home has been let
  - Prior to the demolition of the former nurses' home a record of the former nurses' home shall be made and the record shall be made publicly available

- Total number of dwellings within the area of land for which “outline” consent is given to be 115.
- Implement recommendations of the ecology report

11.3 17/01210/LBC – Delegated authority to the Director of Place to grant subject to:

- i. Referral to the Secretary of State in accordance with the arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015
- ii. Any necessary conditions to include:
  - External materials
  - Demolition of the nurses’ home not to commence before a contract for the carrying out of the construction of the apartment block to replace the former nurses’ home has been let
  - Prior to the demolition of the former nurses’ home, a record of the former nurses’ home shall be made and the record shall be made publicly available.



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<b>Planning application no.</b>	18/00737/FUL
<b>Site</b>	2 Woodcote Road Wolverhampton WV6 8LP
<b>Proposal</b>	Erection of new 1.8 metre high fence and associated screen landscaping at the back edge of pavement along the Wood Road frontage, to replace the fence recently constructed
<b>Ward</b>	Tettenhall Wightwick;
<b>Applicant</b>	Mr Barry Davies
<b>Cabinet member with lead responsibility</b>	Councillor John C Reynolds Cabinet Member for City Economy
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration
<b>Originating service</b>	Planning
<b>Accountable employee</b>	Kirsty Johnson Tel 01902 551358 Email <a href="mailto:Kirsty.Johnson@wolverhampton.gov.uk">Kirsty.Johnson@wolverhampton.gov.uk</a>

## **1.0 Summary recommendation:**

1.1 Grant

## **2.0 Application site**

2.1 Bungalow situated on the corner of Woodcote Road and Wood Road in Tettenhall. The property was originally enclosed with a boundary wall, parallel with the side elevation of the house facing Wood Road, with a lawn area between this and the footway.

2.2 Woodcote Road is predominately characterised by lawn edges and hedgerows. Some corner plots have brick walls and fencing.

## **3.0 Application details**

3.1 The application follows the erection of a fence without planning permission immediately adjacent the footway on the corner of Woodcote Road. This proposal amends this to 3.7m away from the footway, allowing the side garden to be partially enclosed with landscaping between the fence and footway.

#### **4.0 Relevant policy documents**

- 4.1 Revised National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)  
Tettenhall Neighbourhood Plan

#### **5.0 Publicity**

- 5.1 12 letters have been received, including one in support. Five of these letters objected to the fence in its current position. The remaining six considered that no fences should be erected in the estate, concerned with visibility and impact on the character of the area. Other comments include restrictive covenants, however, this is not a material planning consideration.

#### **6.0 Consultees**

- 6.1 Transportation: No objection

#### **7.0 Legal implications**

- 7.1 There are no legal implications arising from this report. (LD/22082018/P)

#### **8.0 Appraisal**

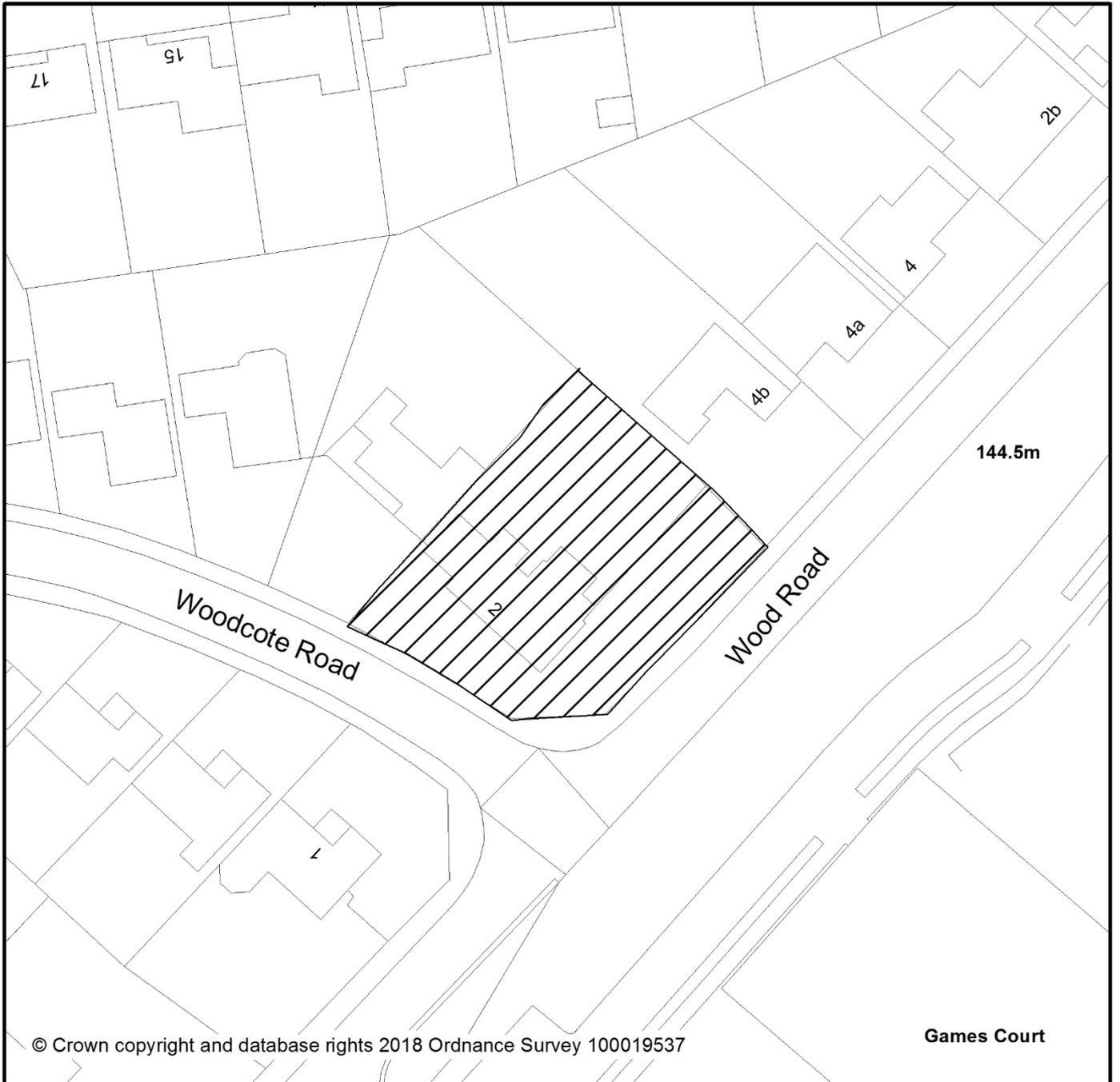
- 8.1 The current position of the fence is not acceptable; however, the proposed repositioning of the fence is an appropriate solution to enclose part of the applicant's side garden whilst still protecting the character of the area. A significant area of the site will be landscaped to retain the soft edges within the estate, details of which can be secured by condition.
- 8.2 The new position of the fence will not impact on highway safety.

#### **9.0 Conclusion**

- 9.1 The proposed fence and landscaping plan will not materially impact the character of the area or impact highway safety.

#### **10.0 Detail recommendation**

- 10.1 That planning application 18/00737/FUL is approved subject to the following conditions:
  - Landscaping plan



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Games Court

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<b>Planning application no.</b>	18/00848/REM	
<b>Site</b>	Goodyear Development Site	
<b>Proposal</b>	Erection of 126 dwellings (Submission of reserved matters pursuant to outline approval 11/01022/EXT - access, appearance, landscaping, layout and scale to be considered)	
<b>Ward</b>	Bushbury South and Low Hill;	
<b>Applicant</b>	Persimmon Homes West Midlands	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds Cabinet Member for City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Phillip Walker	Senior Planning Officer
	Tel	01902 555632
	Email	phillip.walker@wolverhampton.gov.uk

**1.0 Summary recommendation:**

1.1 Delegated authority to grant.

**2.0 Application site**

- 2.1 This is a reserved matters application for the “clock tower” phase of development at the former Goodyear factory site, Stafford Road. This application follows the grant of outline planning permissions 05/1989/OP/M and 11/01022/EXT which allowed for a mixed use development comprising residential, retail, community and ancillary uses.
- 2.2 A number of reserved matters applications have been approved, and this has resulted in major redevelopment of the former factory site, including the erection of new housing (approximately 500 dwellings), a neighbourhood park, “The Gatehouse” public house/restaurant and Aldi supermarket.
- 2.3 This reserved matters application encompasses a parcel of land to the north and east of the Aldi supermarket. There is new housing to the north and west of the site, and the west coast main railway line runs along the eastern site boundary. To the south, is land formerly occupied by the Goodyear factory. Access is off Stafford Road via Mercury Drive.

2.4 The site has been cleared of the former industrial buildings in preparation for development. This is with the exception of the former clock tower, which is of heritage value.

### **3.0 Application details**

3.1 The application seeks to approve the reserved matters, "Appearance", "Layout", "Scale", "Landscaping" and "Access".

3.2 The application proposes to create 126 dwellings, consisting of 114 houses and 12 apartments.

3.3 The Goodyear clock tower would be refurbished and a link extension would enable it to be used as an entrance lobby to a new three storey apartment block.

3.4 A public space is proposed to be created around and nearby to the clock tower. The space will be constructed from modern materials, it will act as an arrival point at the site and allow for attractive views of the clock tower.

### **4.0 Planning history**

4.1 05/1989/OP/M. Outline proposal for a "Mixed use development comprising residential, local retail, community and ancillary uses. Granted. 20<sup>th</sup> June 2007.

4.2 09/00892/REM. Development of a retail store, vehicle parking and landscaping. Granted. 28<sup>th</sup> April 2010.

4.3 10/01388/REM. Reserved matters application pursuant to outline planning permission 05/1989/OP for the erection of 314 dwellings. Granted. 2<sup>nd</sup> March 2011.

4.4 11/00891/FUL. Erection of a restaurant / public house with car parking and external play area. Granted. 17<sup>th</sup> November 2011.

4.5 11/01022/EXT. Application for the extension of time for the submission of reserved matters related to outline application 05/1989/OP/M – mixed use residential led development. Granted 18<sup>th</sup> April 2012.

4.6 13/01070/REM. Neighbourhood Park. Granted 10<sup>th</sup> October 2014.

4.7 15/00465/REM. Reserved matters application pursuant to outline planning permission 05/1989/OP for the erection of 124 dwellings. Granted 8<sup>th</sup> June 2015.

4.8 16/01319/REM. Reserved matters application pursuant to outline planning permission 05/1989/OP for the erection of 93 dwellings. Granted. 9<sup>th</sup> January 2017.

## **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)  
Stafford Road Corridor Action Plan

## **6.0 Publicity**

- 6.1 Six objections received. Comments as follows:
  - Lack of green space proposed
  - Loss of residential amenity including loss of privacy, noise and general disturbance;
  - The proposed access arrangements will create more traffic congestion within the estate and this would be detrimental to highway and pedestrian safety
  - The clock tower could be put to better use than an access lobby for apartments

## **7.0 Consultees**

- 7.1 Transportation and Environmental Health – No objections.
- 7.2 Staffordshire County Council Flood Risk Management Service – Comments awaited.

## **8.0 Legal implications**

- 8.1 There are no legal implications arising from this report (LD/16082018/K).

## **9.0 Appraisal**

- 9.1 The main issues in this case are:
  - i. The principle of the proposed development
  - ii. Design and impact on the Goodyear clock tower
  - iii. Residential amenity
  - iv. Access and parking
  - v. Section 106 Agreement requirements

Principle of the proposed development

- 9.2 The site benefits from outline approval for residential development, and residential use is identified as an acceptable use of the land in the Stafford Road Corridor Area Action Plan. Residential development is therefore acceptable in principle.

Design and impact on Goodyear clock tower

- 9.3 The layout of the streets and positions of the dwellings, which form a series of perimeter blocks, is acceptable.

- 9.4 The houses would be two and three storeys which would relate well with the existing residential development at the site, which is also two and three storeys.
- 9.4 The three storey apartment block which would be linked to the clocktower has been designed to be in keeping with the scale and massing of the clock tower. External materials for the apartments will need to be sympathetic to the design and appearance of the clock tower and this will be secured by condition.
- 9.5 The proposed public space, adjacent to the clock tower, would be a high quality entrance to the site. It will create a strong focal point and a sense of place.
- 9.6 The proposed dwellings will be predominately constructed from red brick with some render. This would be similar to the materials used elsewhere on the former Goodyear site and is acceptable.

#### Residential amenity

- 9.7 The design and layout of the proposed dwellings allows for acceptable levels of residential amenity for existing and future residents.

#### Access and parking

- 9.8 The site is located in a highly accessible location and satisfactory off-street parking is proposed for the new dwellings. The access off Stafford Road, would be able to accommodate the additional traffic generated by the development proposal, without their being an unacceptable detriment to highway safety.

#### Section 106 Agreement requirements

- 9.9 The applicant is seeking a reduction in Section 106 obligations on the grounds of a lack of financial viability.
- 9.10 Should it be demonstrated that the development would not be sufficiently viable to fund the full affordable housing requirement, the existing S106 Agreement at the Goodyear site allows for the affordable housing provision to be reduced, commensurate with the lack of viability, in order to support early development.

### **10.0 Conclusion**

- 10.1 The development proposals are acceptable and in accordance with the development plan, subject to agreeing the level of affordable housing provision, receipt of an acceptable flood risk assessment and conditions as recommended.

### **11.0 Detail recommendation**

- 11.1 That the Strategic Director for Place be given delegated authority to grant planning application 18/00848/REM subject to:

1. Agreeing the level of affordable housing provision

If viable:

- 25% affordable housing

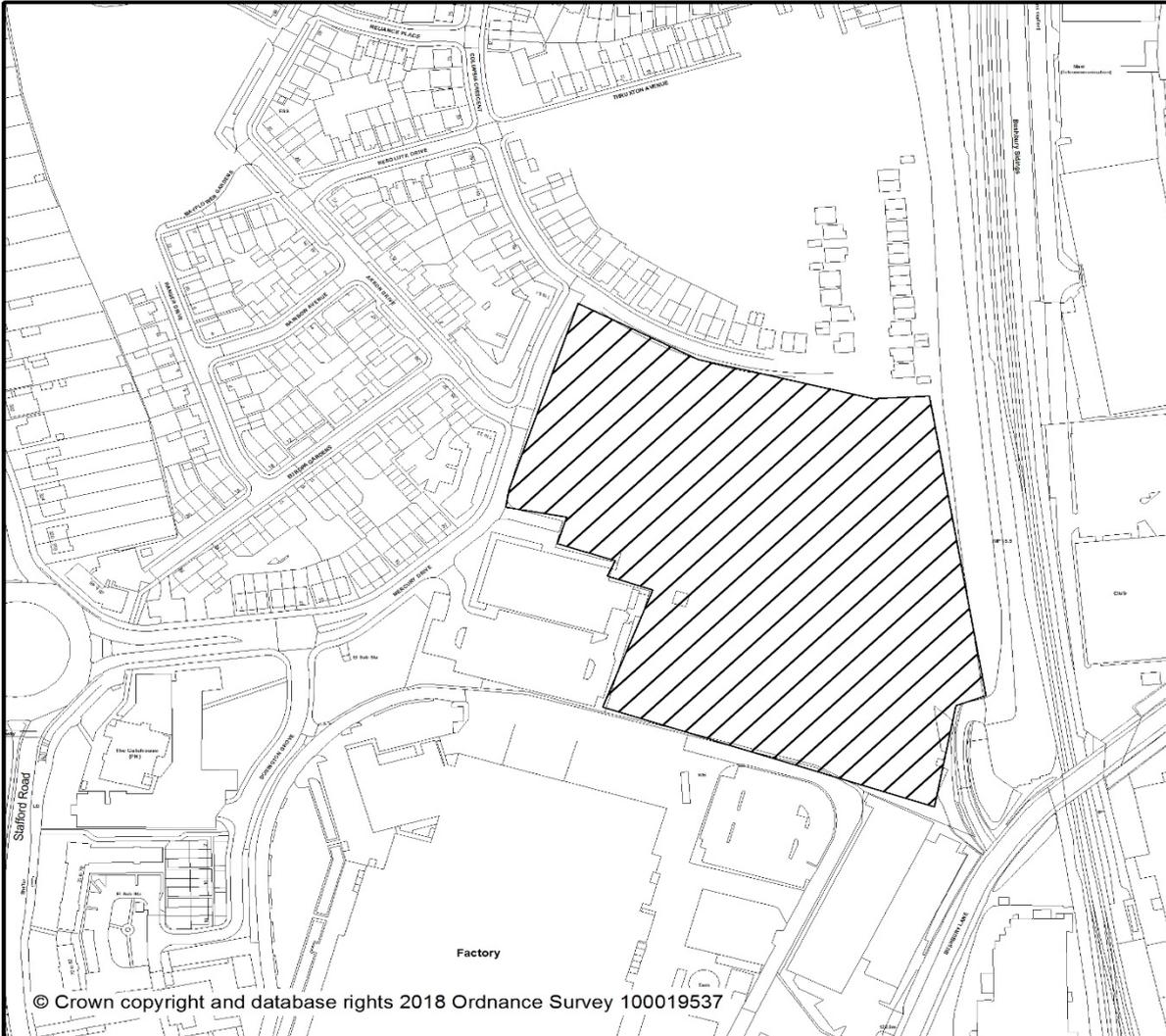
If not viable:

A reduction in affordable housing, commensurate with the lack of viability with the reduction applying on a pro-rata basis to all dwellings ready for occupation within three years of the date that a lack of financial viability is demonstrated and the full requirement applying on a pro-rata basis to all those that are not ready for occupation at that time.

2. Receipt of an acceptable flood risk assessment

3. Any necessary conditions to include:

- Construction Management Plan
- Drainage
- External materials
- Implementation of landscaping and boundary treatments
- Provision of parking
- Ground remediation
- Acoustic glazing and mechanical ventilation for plots facing onto the railway line
- Levels
- Removal of permitted development rights removed for windows / dormer windows (other than those expressly authorised by the permission) in side elevations
- First floor side facing windows to be fitted with obscured glazing
- Electric vehicle charging points
- Targetted recruitment and training
- Traffic regulation orders and raised tables



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<b>Planning application no.</b>	17/00671/OUT	
<b>Site</b>	Goodyear Tyre Factory, Stafford Road	
<b>Proposal</b>	Outline application for residential development (up to 230 dwellings) with all matters reserved apart from access	
<b>Ward</b>	Bushbury South and Low Hill;	
<b>Applicant</b>	St Modwen Developments	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds Cabinet Member for City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Phillip Walker	Senior Planning Officer
	Tel	01902 55 5632
	Email	phillip.walker@wolverhampton.gov.uk

**1.0 Summary recommendation:**

1.1 Delegated authority to grant subject to a Section 106 Agreement.

**2.0 Application site**

- 2.1 The Goodyear site is located approximately 1.75 miles north of the City Centre to the east of Stafford Road. Goodyear previously occupied 35.6 hectares of land, although much of the northern part of the site has now been redeveloped for housing, retail, leisure and community uses.
- 2.2 The application site comprises the remaining 7.85 hectares of the Goodyear site. This formed the southern part of the Goodyear site. The factory closed in July 2017. The demolition of the buildings commenced earlier this year.
- 2.3 The Aldi Supermarket, new housing, public house and cleared former industrial land is to the north and north-west. The land is adjoined by the rear gardens of houses on Stafford Road to the west, Bushbury Lane Academy, formerly Oxley Primary School, is to the south and Bushbury Lane and commercial development is to the east.
- 2.4 Access is off Stafford Road, via Donington Grove and Mercury Drive to the north and by Bushbury Lane to the south / south-east.

### **3.0 Application details**

- 3.1 This planning application seeks outline consent for residential development, up to a maximum of 230 dwellings, with all matters reserved for later approval except for access.
- 3.2 The application proposes that the site be accessed from Stafford Road, via Donington Grove and Mercury Drive to the north and Bushbury Lane to the south.
- 3.3 The applicants are proposing improvements to Bushbury Lane Academy. These include the creation of a public open space in front of the Academy and new staff parking and pupil pick up/drop off area.

### **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)  
Stafford Road Corridor Action Plan

### **5.0 Publicity**

- 5.1 No responses received.

### **6.0 Consultees**

- 6.1 Transportation, Environmental Health, Archaeology, Ecology, Staffordshire County Council Flood Risk Management Service, Severn Trent Water and Fire Service – No objections.

### **7.0 Legal implications**

- 7.1 There are no legal implications arising from this report (LD/16082018/F).

### **8.0 Appraisal**

- 8.1 The main issues in this case are the principle of the proposed residential use, housing supply, public realm improvements, access and the Section 106 obligations.

Principle of the proposed residential uses

- 8.2 The Stafford Road Corridor Area Action Plan identifies the site as High Quality Employment Land. The proposed residential use would not be in accordance with this policy allocation.
- 8.3 The applicants, St Modwen, have put forward a case for allowing residential use contrary to the development plan allocation. This is that:

- For planning policy purposes, the site is no longer High Quality Employment Land because the site was bespoke to the Goodyear operation at the time of the preparation of the Area Action Plan and is no longer in active use; the buildings have been demolished; it has poor access arrangements; and the site has a low score in the Black Country Economic Development Needs Assessment (EDNA) Study.
- Therefore, the site is Local Quality Employment Land where the policy tests for redevelopment to alternative uses are less demanding than for High Quality Land. The loss of Local Quality employment land is acceptable under Core Strategy Policy DEL2 – subject to certain tests, particularly as no safeguarding of existing businesses who operate on the site is required.
- Redevelopment of the site for employment use is not viable, because the site would need to be new build and potential rents would not be high enough.

8.4 It is agreed that the site no longer functions as a High Quality Employment Site. The site can therefore be assessed against the policies which apply to Local Quality Employment Land. BCCS Policy DEL2 “Managing the Balance between Employment Land and Housing” requires that the proposal demonstrates that “the site is no longer viable and required either for employment use, including relocation of businesses displaced from sites released to other uses, or for other employment-generating uses”.

8.5 The applicants have submitted a financial viability case, including an illustrative employment scheme, to show that the site should be allowed to be redeveloped for residential use as the redevelopment of the site for industrial uses is not economically viable.

8.6 The District Valuer has appraised the illustrative employment scheme. He confirms that this would be unviable and states that the financial viability gap is £3.8 million. As such, it would not be financially viable to deliver an employment scheme at this site and it would not be an attractive location for new employment development. The loss of this employment site and reuse for residential purposes would therefore be acceptable and in accordance with BCCS policy DEL2.

#### Housing Supply

8.7 The proposal will provide an additional 230 dwellings at a highly sustainable location with good access to local facilities, including the new neighbourhood park. This represents a substantial contribution towards meeting the housing needs of the City. This is particularly important in the context of the current Black Country Core Strategy review, which has highlighted a 22,000 home shortfall in the Black Country urban area up to 2036, and recent changes to the NPPF, which place greater emphasis on achieving a robust supply of deliverable housing sites.

#### Bushbury Lane Academy Improvements

8.8 The applicants are proposing improvements to the school frontage, including the creation of a public open space and staff car parking and pupil drop off /pick up. These design and access improvements will greatly improve the Academy and ensure that it

successfully integrates with existing and new housing. They can be secured through a s106 obligation.

#### Access

- 8.9 The site is located in a highly accessible location and the proposed access points are acceptable, subject to limiting the number of vehicles that can access the site from Bushbury Lane and the provision of a pedestrian crossing on Bushbury Lane. These are matters that can be required by condition.

#### Section 106 Agreement

- 8.10 In accordance with adopted planning policy the following are required:
- 25% affordable housing
  - 10% renewable energy
  - Any necessary highway works
  - Targeted recruitment and training
  - Management company for external communal areas
- 8.11 The applicant is seeking a reduction in Section 106 obligations on the grounds of a lack of financial viability.
- 8.12 Should it be demonstrated that the development would not be sufficiently viable to fund all the requirements, it would be justified to reduce affordable housing and renewable energy requirements, commensurate with the lack of viability, in order to support early development.
- 8.13 It is recommended that any reduction applies on a pro-rata basis to all dwellings that are ready for occupation within three years from the date that a lack of viability is demonstrated with the full amount applying on a pro-rata basis to all those that are not.

### **9.0 Conclusion**

- 9.1 The development scheme results in significant regeneration benefits, including the provision of 230 new homes, the reuse of a vacant site, new jobs during construction, and improvements to the public realm and enhancement of facilities at Bushbury Lane Academy. The redevelopment of the employment site for residential purposes is justified as it has been demonstrated that the site no longer functions as high quality employment land, and it would not be financially viable to bring forward new employment uses at the site. The development is in accordance with the policies of the development plan.

### **10.0 Detail recommendation**

- 10.1 Delegated authority to the Strategic Director for Place to grant planning application 17/00671/OUT subject to:
1. Completion of a Section 106 Agreement to include:  
For the whole development:
    - Highway works, including traffic regulation orders and provision of a pedestrian crossing on Bushbury Lane

- New staff car park and pupil drop off/pick up for Bushbury Lane Academy
- Creation of a public open space in front of Bushbury Lane Academy including the removal of the acoustic fence
- Targeted recruitment and training
- Management company for external communal areas

If viable:

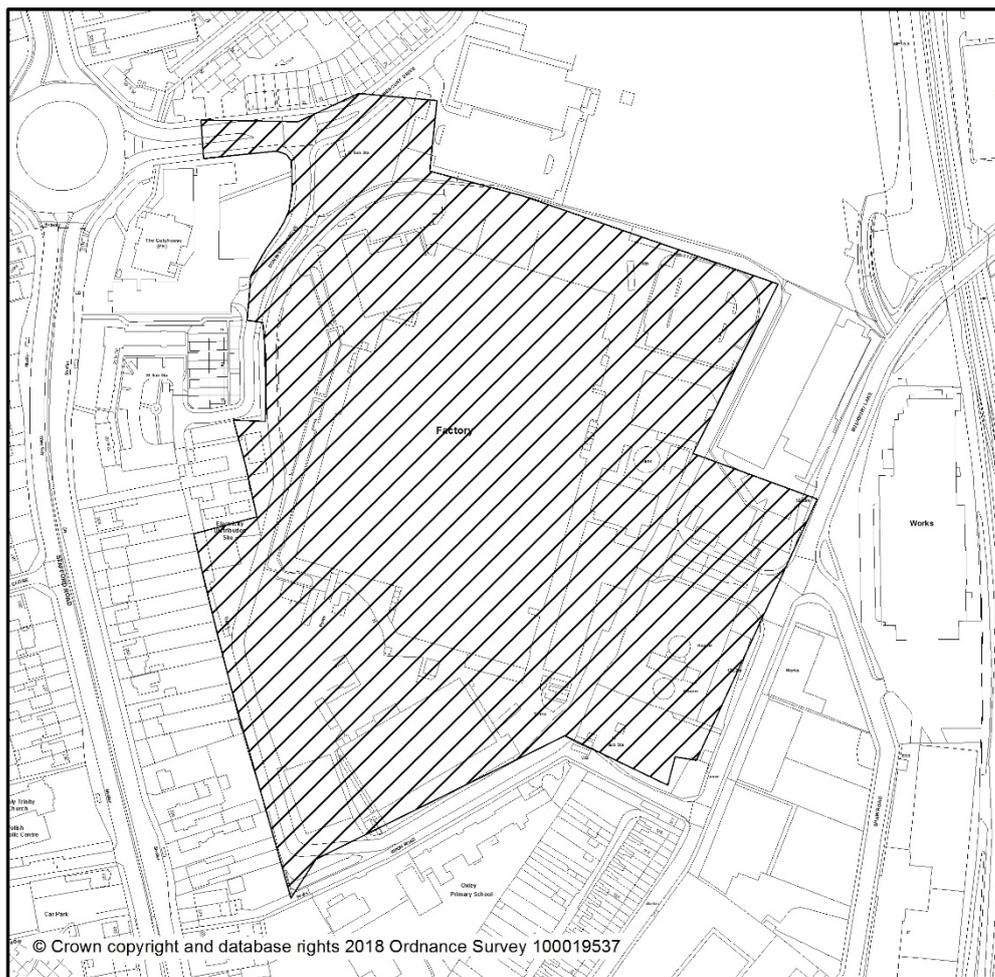
- 25% affordable housing
- 10% renewable energy

If not viable:

A reduction in affordable housing and renewable energy, commensurate with the lack of viability with the reduction applying on a pro-rata basis to all dwellings ready for occupation within three years of the date that a lack of financial viability is demonstrated and the full requirement applying on a pro-rata basis to all those that are not ready for occupation at that time.

2. Any necessary conditions to include:

- Outline conditions including submission of reserved matters
- Timing
- Phasing
- Construction Management Plan
- Drainage
- Electric vehicle charging points
- Levels
- Boundary treatments
- Cycle and pedestrian routes
- Ground remediation
- Noise attenuation
- Travel Plan
- Archaeology - requirement for a desk based assessment
- Implementation of landscaping
- Implement in accordance with ecology recommendations



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<b>Planning application no.</b>	17/01428/FUL	
<b>Site</b>	Land Formerly BASF Premises, Well Lane	
<b>Proposal</b>	Proposed commercial development, Use Class B1 - Light Industrial / B2 - General Industrial / B8 Storage and Distribution including vehicle parking and servicing areas	
<b>Ward</b>	Wednesfield South;	
<b>Applicant</b>	Barberry Perry Barr Limited	
<b>Cabinet member with lead responsibility</b>	Councillor John Reynolds Cabinet Member for City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Phillip Walker	Senior Planning Officer
	Tel	01902 55 5632
	Email	phillip.walker@wolverhampton.gov.uk

## **1.0 Summary recommendation:**

1.1 Refuse

## **2.0 Application site**

2.1 This 1.3 hectare site is located to the south-east of Wednesfield Village Centre. It is an irregular shape with access off Well Lane. The rear gardens of housing on Bolton Road adjoin the northern site boundary. To the east are bungalows set within a cul-de-sac on Neachells Lane. Wednesfield Business Park and other commercial development is to the west and south. The Gem Children's Centre is to the south east.

2.2 The site was occupied by BASF Coatings and Inks but has been vacant and cleared of buildings for at least fifteen years. The land is overgrown and there are trees within and around the site boundaries.

## **3.0 Application details**

3.1 The application seeks permission for a single building with a floor area of 5163 square metres and a maximum height of 12.75 metres. It is approximately 70 metres long and

70 metres wide. The proposed materials are metal profiled sheeting, cladding panels and glazing.

- 3.2 Vehicular and pedestrian access is shown from Well Lane along an existing estate access road. The layout shows 45 car parking spaces and four lorry loading bays and two lorry entry doors. The vehicle parking, circulation space and loading bays are at the front of the building in the southern part of the site.
- 3.3 The site would operate 24 hours a day, seven days a week.
- 3.4 The development proposal is speculative and as such there is no identified end user.

#### **4.0 Planning history**

- 4.1 03/0726/VV. Variation of condition two of planning permission C/0686/98. To increase time to increase time allowed to implement the planning application for change of use to B1 Business, B2 General Industrial and B8 Storage and Distribution uses. Granted 24.08.2003.
- 4.2 98/0686/FP. Change of use to B1 Business, B2 General Industrial and B8 Storage and Distribution 24.08.2003.

#### **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 Nine objections received. Comments summarised as follows:
- The proposed development would have a detrimental impact upon residential amenity, particularly the amenity enjoyed by residents of bungalows located off Neachells Lane
  - The proposed building, car parking and vehicle loading bays would be sited too close to surrounding dwellings, there would be an overbearing impact, reduction in light to and outlook from those properties
  - The operations associated with the development would result in disturbance to residential amenity throughout the day and night
  - The development will result in noise, air and light pollution
  - Unacceptable increase in traffic and detriment to safety
  - Detriment to wildlife
  - Recommend relocating the building and external loading, parking and storage areas further away from surrounding housing

## **7.0 Consultees**

- 7.1 Transportation – No objections subject to conditions requiring the provision and retention of vehicle parking, circulation space, bin and cycle stores.
- 7.2 Environmental Health – Object because the proposed development would be likely to give rise to unacceptable levels of noise and other forms of general disturbance which would be detrimental to the amenity enjoyed by the occupants of surrounding residential development.
- 7.3 Archaeology – No objection subject to a condition requiring the carrying out of a programme of archaeological work to ensure that any archaeological remains are recorded.
- 7.4 Ecology – No objections subject to implementing the recommendations of the submitted ecology report.
- 7.5 Staffordshire County Council Flood Risk Management Service – No objection subject to a condition requiring further information about the detailed design of the proposed drainage system.

## **8.0 Legal implications**

- 8.1 There are no legal implications arising from this report (LD/22082018/Y).

## **9.0 Appraisal**

- 9.1 BCCS Policy EMP2 and BCCS Appendix 2 identifies the area as to be retained for employment uses (B1 Business, B2 General Industrial and B8 Storage and Distribution). The proposed development is therefore in accordance with this allocation.
- 9.2 A large industrial/warehouse building with a modern appearance is proposed. It would be 12.75 metres tall, approximately 70 metres wide and 70 metres long. The nearest residential property, 33 Neachells Lane, is a bungalow and it would be only thirteen metres away from the proposed building. Other bungalows, also on Neachells Lane (Numbers 31 and 41 to 47) are between 25 and 30 metres away from the proposed building. The rear elevations and gardens of some of those bungalows are orientated towards the proposed building.
- 9.3 The proposed building would, by reason of its height and bulk and position relative to the bungalows and their gardens at 31, 33, 41, 43, 45 and 47 Neachells Lane, result in an unacceptable loss of sunlight and daylight, and have an overbearing effect on the outlook presently enjoyed by those bungalows and gardens.
- 9.4 Although it is noted that there is existing tree planting along the eastern boundary adjacent to these affected properties, with further planting proposed, this would not be effective to mitigate the significant harm caused by the building.

- 9.5 The proposed warehouse / industrial uses would operate throughout the day and night, seven days a week. Manufacturing processes, storage, vehicle movements, loading and unloading of vehicles can generate very high levels of noise internally and externally.
- 9.6 The dwellings whose occupiers would be most likely to be affected by noise and disturbance from the warehouse / industrial development are the bungalows in Neachells Lane. The nearest property, 33 Neachells Lane is only 13 metres to the east of the site.
- 9.7 The proposed warehouse / industrial development would result in the residential occupiers of 21 – 47 Neachells Lane experiencing unacceptable levels of noise and other forms of disturbance from the uses associated with the manufacturing processes, storage, vehicle movements, loading and unloading of vehicles, which would occur throughout the day and night, seven days a week.

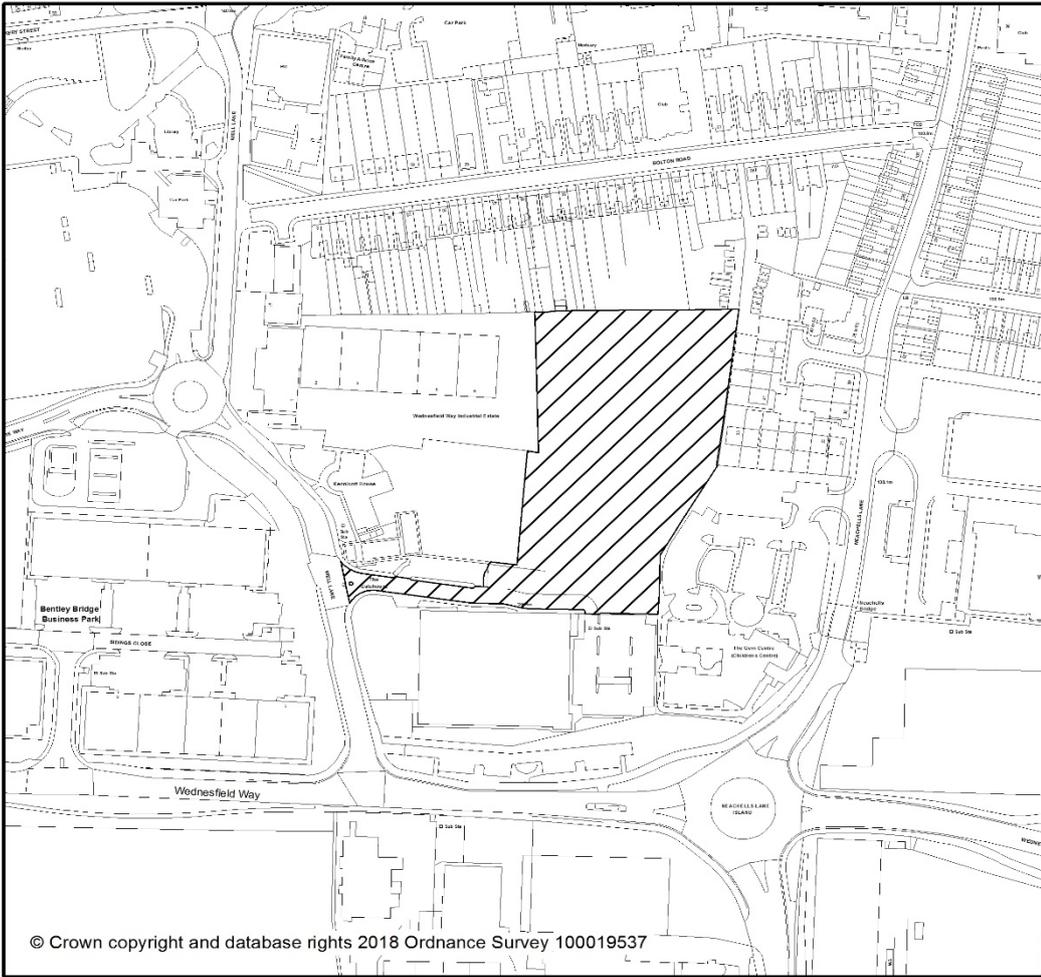
## **10.0 Conclusion**

- 10.1 The proposed development would have an unacceptably adverse impact on the amenity enjoyed by surrounding residential occupiers and as such the proposals are not in accordance with the policies of the development plan.

## **11.1 Detail recommendation**

- 11.1 Refuse for the following reasons:

- The proposed warehouse / industrial development would, by reason of its height, bulk and position relative to the bungalows and gardens at 31, 33, 41, 43, 45 and 47 Neachells Lane, have an unacceptable overbearing impact and reduce the amount of light and sunlight to and outlook from those bungalows and gardens, contrary to UDP policies D7 and D8 and BCCS ENV3.
- The proposed warehouse / industrial development would result in the residential occupiers of 21 – 47 Neachells Lane experiencing unacceptable levels of noise and other forms of disturbance from the uses associated with the manufacturing processes, storage, vehicle movements, loading and unloading of vehicles, which would occur throughout the day and night, seven days a week, contrary to UDP policies EP4, EP5, B5 and H6 and BCCS policy CSP4.



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