

<b>Planning application no.</b>	20/00131/FUL	
<b>Site</b>	Land Adjacent To Forty Four Club, Corner of Birmingham New Road/Spring Road, Wolverhampton.	
<b>Proposal</b>	Erection of Costa Coffee Drive-Through (Use Class A1/A3)	
<b>Ward</b>	Spring Vale	
<b>Applicant</b>	Deeley Properties Wolverhampton Ltd & The Forty Four Club	
<b>Cabinet member with lead responsibility</b>	Councillor Harman Banger Cabinet Member for City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	City Planning	
<b>Accountable employee</b>	Vijay Kaul	Senior Planning Officer
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**1.0 Summary recommendation:**

1.1 Approve subject to S106 Agreement

**2.0 Application site**

- 2.1 The application site is 0.5 hectares of land, triangular in shape, on the corner of Spring Road (A4126) to the east and Birmingham New Road (A4123) to the south-west, positioned to the south-east of The Forty Four Club, which is recorded on the Historic Environment Record (HER), as a late 19<sup>th</sup> century development. The site is currently covered by overgrown scrub and has been cordoned off with barriers to prevent access.
- 2.2 The wider site is protected by TPO's which relates to six individual trees and three groups of trees within the site. It is also planted on both highway boundaries, which limits visibility into the site from the surrounding areas.
- 2.3 The land slopes gently upwards from Spring Road, south-east to the north-west and sits just below the height of Birmingham New Road along its south-western boundary.
- 2.4 Vehicular access to The Forty Four Club is currently gained via a single width driveway from Spring Road. The driveway runs in a westerly direction towards an extensive car

parking which is positioned to the east and south of the existing club building. A separate pedestrian gated access leads to the Forty Four Club from the Birmingham New Road.

- 2.5 On the opposite corner to the west, is Sedgemoor Park Millennium Forest which extends alongside the Birmingham New Road and behind which is the Sedgemoor Park estate.
- 2.6 Residential dwellings located in Wood Street adjoin the northern boundary of the Forty Four Club. On the opposite side of Birmingham New Road, there is a hand car wash, and dwelling fronting the highway.

### **3.0 Application details**

- 3.1 Erection of a single storey building for use as a Costa Coffee drive through facility, with a gross internal area of 168 square metres.
- 3.2 The development site will provide a total of 34 spaces which includes disabled spaces, two electric charging bays. In addition to the above there will be five motorcycle spaces and an undercover cycle stand.
- 3.3 A new access and will be shared between the existing Forty Four Club and the proposed Costa drive-thru. The existing access will be closed off with new landscaping and the footpath along Spring Road re-instated.
- 3.4 Five full time and 12 part time (total of 11 full time equivalent) jobs would be created.

### **4.0 Relevant policy documents**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 4.4 The Open Space SPD  
Open Space Strategy and Action Plan (OSSAP) 2018  
Wolverhampton Playing Pitch Strategy & Action Plan (Updated June 2018)

### **5.0 Publicity**

- 5.1 The application was advertised by direct neighbour notification and site notices. Six letters of objection were received, summarised as follows;
  - Not suitable for global coffee chain, local facilities available in Coseley.
  - Increased traffic, congestion and harm.
  - Impact on pedestrian safety, particularly local school children and elderly
  - Increased noise disturbance and overlooking of neighbours

- Litter generation
- All TPO'd trees should not be removed.
- Site should be used for dwellings

5.2 A representation has been received from the Ward Member welcoming jobs to the area, questions whether sufficient bin provision.

## **6.0 Consultees**

### **Internal**

- 6.1 Highways – No objection subject to conditions.
- 6.2 Environmental Protection (Land Contamination) – No objection.
- 6.3 Tree Officer – No objection subject to conditions.
- 6.4 Ecology - No objection subject to conditions to deal with detailed landscaping and ecological mitigation, and S106 Agreement to secure off-site contribution for works to Sedgmoor Park Millennium Forest.

### **External**

- 6.5 The Coal Authority – No objections subject to detailed remedial strategy for the on-site mine entries.
- 6.6 Severn Trent Water – No objections subject to conditions.

## **7.0 Legal implications**

7.1 The legal implications arising from this report namely require of an agreement pursuant to Section 106 of the Town Planning and Country Act 1990 are detailed in the body of this report. JA/200520/C.

## **8.0 Covid Implications**

8.1 There are no Covid implications arising from the recommendations of this report.

## **9.0 Appraisal**

- 9.1 The main issues for consideration are;
- Principle of retail development
  - Enabling development
  - Trees and Ecology
  - Design and Layout
  - Residential Amenity
  - Highway Safety

## **Principle of retail development**

- 9.2 The nature, scale and location of the proposal, in particular as it is located on an arterial route into the city centre and is not in relative close proximity to a nearby centre, means it would serve predominantly passing customers, with trade being drawn from a wider catchment, plus an element serving the local area. The Council are not aware of any sequentially preferable sites, even when including flexibility to site selection, that can realistically accommodate the proposal. The principle of retail is acceptable as it does not conflict with Policy CEN6 or the NPPF.
- 9.3 Furthermore, proposal would result in an economic benefit that would create jobs and promote regeneration of the site.

## **Enabling Development**

- 9.4 The land proposed for development is currently classified as part of a private sports ground and recreational open space within the UDP, however, it is overgrown and has never had any formal use, only occasionally being used as overflow car parking.
- 9.5 The application is accompanied by recent account information demonstrating the financial difficulties currently experienced by the club. It is intended that the finances generated through the sale of the land will be re-invested into the running and refurbishment of the existing club. This proposal will bring about public benefits through the repair and refurbishment of a non-designated heritage asset, as well as retaining important social and recreational functions of The Forty Four Club, these include a Rifle and Pistol Shooting Range, Snooker, Bowling Green, Dominoes and Darts. It will help to bring the facilities up to a standard that will increase its appeal as a venue for functions and boosting the profile of The Forty Four Club as a community asset.
- 9.6 To ensure this significant benefit is secured, the applicant/Forty Four Club have agreed to enter into a S106 Agreement to commit finances back into the club within a set timescale. The proposal would not have a detrimental impact on the value of the open space, sporting and recreational network, rather the above benefits represent a type of enabling development, by where they would outweigh any minor impact caused to the minimal loss of open space and landscaping

## **Trees and Ecology**

- 9.7 The proposal would result in the loss of some young groups of trees and one TPO'd sycamore tree. However, the accompanying Tree Survey and Landscaping proposal show that existing mature trees to the boundary with the Forty Four Club and their importance as a green backdrop will be retained. Along Spring Road, the existing mature hedgeline and intermittent trees have also been used as a setting to the proposed building and strengthened with additional tree planting.

- 9.8 To mitigate the limited harm by the loss of the existing hedgerow on Birmingham New Road, a new double line hedge has been proposed along its entire length. Several new trees are proposed at the junction with Spring Road providing a significant group at this key focal point, and through the site new trees will be planted.
- 9.9 As further mitigation, the developer has agreed an off-site contribution of £18,634.43 for the Council to carry out habitat improvement works (such as planting/thinning out) at Sedgmoor Park Millenium Forest.

### **Design and layout**

- 9.10 The scale, massing and bespoke design responds to the site characteristics of this prominent gateway site. The mono-pitched roof, overhanging canopy to increased height and extensive use of full height glazing on the main active elevations which help to reflect the surrounding greenery, will ensure significance to the building on its prominent Birmingham New Road frontage. This balances well against the landscape design of the site.
- 9.11 The presence of old mine shaft points across the site has constrained the building to its current position. Levels will be dealt with by engineered embankments both operating sides of the proposed building, constructed of a geogrid material.
- 9.12 The modern design proposed would not harm the setting of the non-designated asset (Forty Four Club) or the wider character and appearance.

### **Residential Amenity**

- 9.13 The proposal would be positioned well away from immediately adjoining residential dwellings, and largely screened by landscaping.
- 9.14 The noise associated with queueing cars, customers, ordering intercom and staff, should be assessed against the backdrop of existing noise climate characterised by traffic noise from the Birmingham New Road/Spring Road and nearby hand car wash. A condition is attached to secure the noise output of mechanical equipment and intercom system. Originally the applicant sought opening times of 5.30am to 11.00pm. However, following concern about the potential impact upon neighbours, the applicant has agreed to opening to be restricted to 06.30am to 10.00pm. To prevent the site being accessible by vehicles during unsociable hours, the site would be secured via bollards. These mitigation measure ensure that residential amenity of neighbours would not be materially harmed. Given the generous separation distances between the development and neighbours, there would no loss of privacy, light or outlook.
- 9.15 Suitable provision of bins to be provided within the car park for customers can be secured by condition.

## Highways

- 9.16 The Highway Authority raises no objection to the position of the new access on Spring Road (some 75m away from the junction with Birmingham New Road), it would not result in increased congestion or harm the operation of this junction.
- 9.17 There is adequate circulation space within the site to deal with customers, and ample off-street parking is made to ensure that no unacceptable impact upon highway safety would result on Birmingham New Road or Spring Road.
- 9.18 Moving the existing vehicular access further south, would improve this relationship with residents along Spring Road.

## S106 Agreement

- 9.19 The above stated Section 106 requirements meet the relevant tests (necessary to make development acceptable, directly related to development and fairly and reasonably related in scale and kind to the development) to comply with policy requirements.

## 10.0 Conclusion

- 10.1 On balance, the proposed development is acceptable and overall is in accordance with the development plan subject to completion of a S106 agreement

## 11.0 Detail recommendation

- 11.1 That the Strategic Director Place be given delegated authority to grant planning application 19/00106/FUL subject to:
- (i) Section 106 Agreement to secure:
- £18,634.43 commuted sum for the Council to carry out off site woodland management/enhancement at Sedgmoor Park Millennium Forest, payable prior to commencement by the developer.
  - An obligation on The Forty Four Club (and linked solely to their retained land edged blue) to use the receipts from the sale of the land edged red for the maintenance and refurbishment of the club house and its facilities and the running of the Club (timescale to be agreed)
- (ii) Subject to any appropriate conditions including (but not limited to):
- External materials.
  - Levels.
  - Construction Management Plan (inc operational hours).
  - Scheme of remedial works (coal mining).
  - Drainage
  - Landscaping (hard and soft)
  - Boundary treatments and retaining structures / embankment design

- Opening hours (6.30am to 10.00pm)
- Details of the type and location of external equipment (inc intercom)
- Retained trees protection measures
- Electric charging points.
- Car Parking / access implementation
- Cycle / motorcycle parking
- Bollards restrict access outside operational hours
- Close existing access and reinstate full height kerb
- No external lighting without approval.
- Accord with recommendations of ecology report
- Refuse management plan

