



Planning Committee

17 June 2014

Planning Application No	13/01181/FUL	
Site	Land Rear Of The Cedars, Compton Road West, Wolverhampton, West Midlands	
Proposal	Part demolition of existing outbuildings and erection of 12 Houses	
Ward	Park	
Applicant	Mark Robertson City Of Wolverhampton College	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Planning Officer	Name	Jenny Davies
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1. Summary Recommendation

- 1.1 Delegated authority to grant subject to referral and no call-in by the SOS; the signing of a Section 106 Agreement and conditions

2. Application site

- 2.1 The site was formerly the horticultural centre of Wolverhampton College and is situated 2km west of Wolverhampton City Centre. The site covers 0.78 hectares and vehicular access is currently from a car park serving The Cedars off Compton Road West.

- 2.2 The site is located within the green belt and part of the site is within the Ash Hill conservation area. The site comprises several glasshouses and other outbuildings some of which are attached to the boundary wall of the Cedars.
- 2.3 The site is bounded to the west by a dense area of trees in Smestow Valley Local Nature Reserve, to the north and east by new housing and to the south by The Cedars which is occupied by Compton Hospice. The land slopes from south-west to north-east.

3. Application Details

- 3.1 The application proposes 12 detached 4 and 5 bedroomed houses with access from the new Redrow housing development. The existing access would be closed.
- 3.2 Several trees would be removed to facilitate the development.
- 3.3 The former observatory tower would be retained.

4 Relevant Planning History

- 4.1 11/00828/FUL - Demolition of the existing St Edmund's Catholic School & the erection of an indoor training pitch & associated building, the provision of an all-weather football pitch & replacement of the existing flood lights, reorganisation & upgrading of existing pitches, associated staff & parent & visitor parking & the erection of a replacement pavilion & three floodlit tennis courts. Demolition of University halls of residence, buildings & redevelopment to provide replacement school for St Edmund's comprising the conversion, reconfiguration & extension of the retained University buildings together with external sport, recreation areas, car parking & the erection of 55 four & five bedroom two storey dwellings, access roads & open space. Granted 21.12.2011

5. Constraints

- 5.1 Green Belt
Tree Preservation Order
Conservation area (part)

6. Relevant Policy Documents

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

7. Environmental Impact Assessment Regulations

- 7.1 This application is considered to be a Schedule 2 project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the

development is unlikely to have a significant effect on the environment as defined by the above Regulations.

8. Publicity

8.1 Eight letters of objection have been received. A summary of the objections are:-

- Detrimental to conservation area / loss of historic assets
- Development in green belt setting precedent
- Unacceptable visual impact on green belt
- No justification for development in green belt
- Detrimental to residential amenity
- Increase in traffic / poor access
- Loss of trees/hedgerows/ open space
- Detrimental impact on Smestow Valley Local Nature Reserve (LNR) / wildlife

9. Internal Consultees

9.1 Transportation – no objections

9.2 Environmental Health & Ecology – no objections subject to conditions.

10. Legal Implications

10.1 Protected species

The Local Planning Authority is a competent authority for the purposes of the Habitat Regulations and the planning authority is under a duty to have regard to the Habitats Directive in the exercise of its functions. Planning authorities should give due weight to the presence of protected species on a development site and to reflect these requirements in reaching planning decisions. Under S39 of the Habitats Regulations bats are European protected species.

10.2 Paragraph 99 of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligation' and the impact within the planning system should be noted. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted. Otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.

10.3 Green Belt

Councillors should note that as detailed in the report the application will need to be referred to the Secretary of State for consideration as to whether it should be called in for his determination. This is because this application constitutes inappropriate development in the green belt and referral is required by the Town and Country Planning (Consultation) (England) Direction 2009. Where the application is referred, the planning authority cannot determine the application until the expiration of 21 days after the requisite information has been provided to the Secretary of State, or until the Secretary of State has confirmed he does not wish to "call in" the application, if earlier.

10.4 Conservation area

When an application is situated in or affects the setting of a Conservation Area, by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area, the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, it should also have regard to any representations ensuing from the publicity required under S73 of the Act.

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11. Appraisal

11.1 The key issues are: -

- Green Belt
 - *Inappropriate development*
 - *Impact on openness*
 - *Very Special Circumstances*
- Design and Layout
- Ecology
- Impact on heritage assets
- Loss of trees
- Section 106

11.2 Green Belt

Inappropriate development

The National Planning Policy Framework (NPPF) (paragraph 89) states that construction of new buildings inside a green belt is inappropriate unless it is for one of the following:-

- the buildings for agriculture and forestry,
- provision of facilities for outdoor sport, recreation and cemeteries,
- extension or alteration of a building provided it is not a disproportionate addition over and above the size of the original building,
- replacement of a building of the same use and not materially larger than the one it replaces,
- limited infilling and affordable housing or
- limited infilling or partial or complete redevelopment of previously developed site (brownfield) which would have a greater impact on the openness of the Green Belt and the purpose of including land within it.

11.3 The proposed development would not fall within the exceptions stated above and would therefore result in inappropriate development in the Green Belt.

11.4 The NPPF states that '*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'.

11.5 When considering any planning application, substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential

harm to the green belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations.

- 11.6 The NPPF states that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of green belts is their openness. There are five purposes of including land within the Green Belt:
1. to check the unrestricted sprawl of urban areas
 2. to prevent neighbouring towns from merging into one another
 3. to assist in safeguarding the countryside from encroachment
 4. to preserve the setting and special character of historic towns
 5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 11.7 The applicant contends that the site does not fulfil any of the purposes of including land in the Green Belt. However, it does contribute to three of the Green Belt purposes by preserving the distinctive identity of Tettenhall by contributing to the prevention of the merger of Tettenhall with the rest of Wolverhampton and limiting the sprawl of the built up area.
- 11.8 In this case, the development proposed would probably not discourage development on brownfield sites elsewhere in the City because it is planned as an extension to the Redrow development currently being developed and because of the nature the houses (large, detached “executive homes”). It could not be reasonably argued that this site assists in the safeguarding of the countryside from encroachment.

Impact on openness

- 11.9 The applicant states that there would be no adverse impact on openness as the views of the site are limited by buildings and the dense tree belt forming part of the adjacent local nature reserve.
- 11.10 At present the horticulture related single storey buildings on the site have a cumulative volume of 2300 cubic metres. The proposed houses would have a volume of 9000 cubic metres and would be two storey. This would change the character and appearance of the site from low density horticultural to higher density residential.
- 11.11 The increase in volume of 6700 cubic metres would have a greater impact on openness in the Green Belt and would be inappropriate development which would by definition be harmful to the Green Belt.

Very special circumstances

- 11.12 Both the courts, and appeal decisions indicate that material considerations can cover a wide range of matters.
- 11.13 The very special circumstances put forward by the applicant are that the City of Wolverhampton needs to develop skills to increase inward investment, secure jobs for local people, and to enhance socio-economic wellbeing. The former horticultural unit is no longer viable due to a decline in students wishing to study horticulture and the high cost of upkeep of the site. The capital receipt from the sale would allow the City of Wolverhampton College to modernise and to provide high quality training facilities to

ensure the City improves employment prospects, reduces the number of young people unemployed, and develop a skilled workforce. The application details the development projects which would be enabled by the capital receipt from the sale of the site. These are summarised below:-

- Provision of 500 e-portfolios for work place learners and 200 tablets and upgrade of 300 PCs
- Provision of industry standard lathes, mill grinders, hydraulic and mechatronic equipment
- Building refurbishment to accommodate expanded training facility
- Conversion of staff rooms to create 7 teaching rooms and workshops at Wellington Road campus; and
- Creation of a classroom, mock shop and retail bakery located within the Mander Centre

11.14 Investment in training and education is important in improving educational attainment and bridging the skills gap which exists in Wolverhampton. The applicant has provided evidence from the Skills and Funding Agency that funding will be significantly affected from March 2015 and from the bank that no further loan or cash facilities will be available to the college at this present time.

11.15 The sale of the land for housing would enable investment in the college facilities to raise skill levels, it would not otherwise be possible to provide. On balance it is considered that the benefits that would accrue from the development would constitute very special circumstances that outweigh the harm to the Green Belt.

11.16 Design and layout
The proposed access, layout and appearance of the development are acceptable.

11.17 Ecology
The habitat and bat surveys satisfactorily demonstrate that the site could be developed without harm to any protected species or its habitat and would have a minimal impact on the local nature reserve. The ecological report concludes that a commuted sum is paid as mitigation. However, it would be unreasonable to require this, given the minimal amount of harm likely to be caused and the mitigation measures proposed, which include fencing to prevent intrusion into the local nature reserve and compensatory planting.

11.18 Impact on heritage assets
The proposal would result in the demolition of outbuildings in the conservation area. The buildings are not of significant historic importance in isolation but collectively form part of the outbuildings associated with The Cedars, a large detached property now occupied by Compton Hospice.

11.19 The outbuildings make a small contribution to the Ash Hill Conservation Area. The building of greatest merit is the water tower and this would be retained. The minor harm caused to the significance of the heritage asset would be outweighed by the public benefit as a result of the very special circumstances and the quality of the development proposed.

- 11.20 Loss of trees
Several trees would be removed due to their poor condition or low amenity value.
- 11.21 Three of the four hedgerows on the site would be removed and new hedgerows are proposed on the southern and eastern boundaries as mitigation in the proposed landscaping scheme.
- 11.22 Section 106
In order to ensure that the College can implement its proposals to improve its ability to deliver high quality education, to outweigh the harm to the Green Belt a minimum of £800,000 is required. A S106 is needed to require the receipt of this sum by the College prior to the implementation of development. The S106 also needs to require the College to spend the money on the specified proposals within three years of the date of receipt.
- 11.23 The College has agreed that if more than £800,000 is received, the full sum will be spent on additional specified items.
- 11.24 The normal planning obligations would include a contribution of £103,240 for off-site open space improvements.
- 11.25 Requiring this would reduce the value of the site (because it would be paid by the developer) and so the College's receipt and its ability to provide the benefits which constitute the very special circumstances which justify the development in Green Belt terms.
- 11.26 The adopted Affordable Housing SPD (para's 8.5 & 13.10.6) states that: "*Where a number of smaller developments are taking place in close proximity and it is considered that these form phases of a larger development, affordable housing contributions will also be sought.*" It is not considered that this development is an extension of the previous phase. The site has only recently come forward for development as the applicant (Wolverhampton College) who are the landowners have only recently declared the site surplus to requirements.
- 11.27 On balance, the educational benefits which could be achieved with additional receipt would outweigh the benefits of the normal planning obligations.

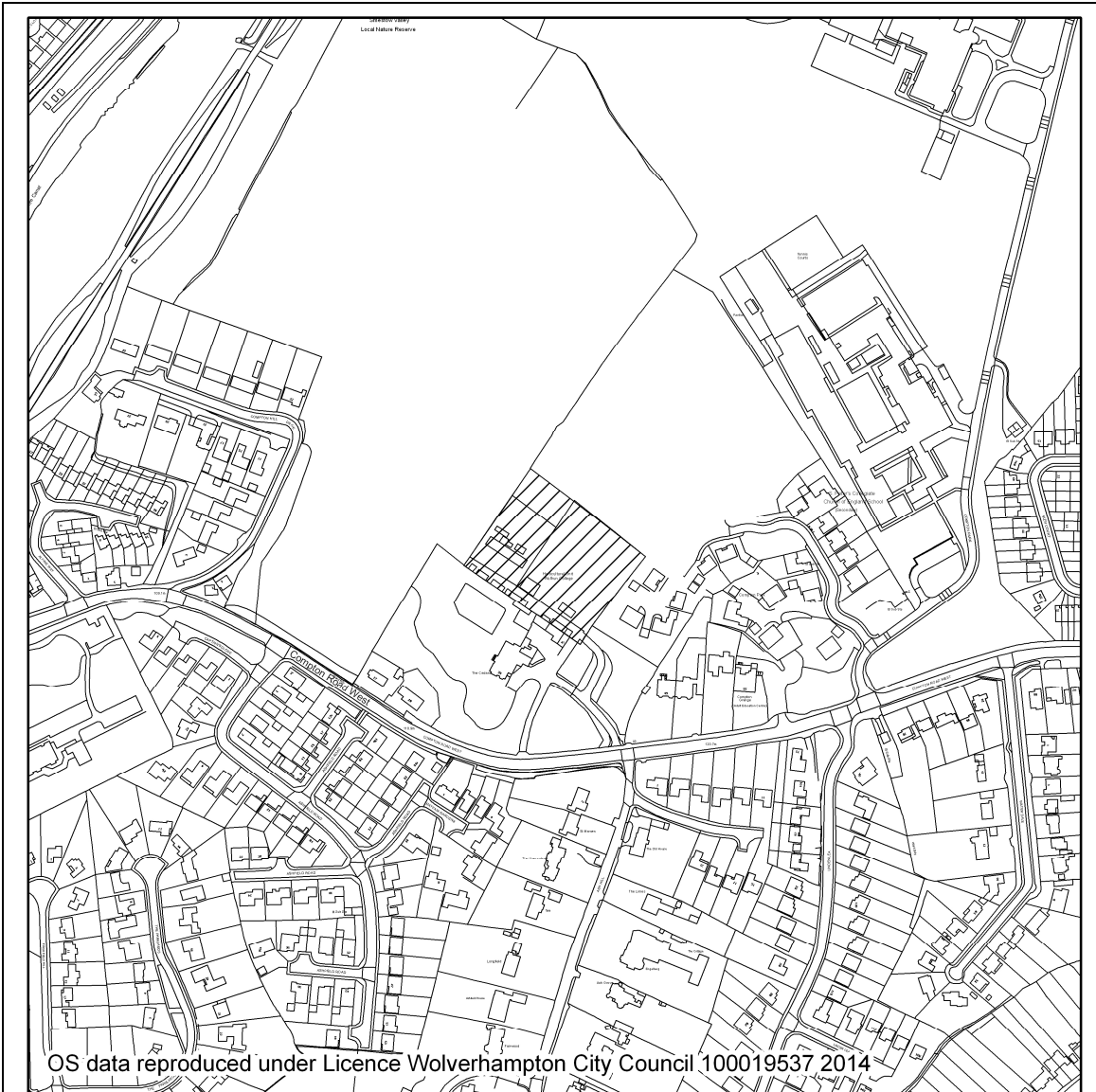
12. Conclusion

- 12.1 On balance, the harm to the openness of the green belt would be outweighed by the benefits to education. In this regard and all others, subject to a S106 and conditions as recommended, the development would be acceptable and accordance with the development plan.

13 Detailed Recommendation

- 13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/01181/FUL subject to:
- (i) Referral and no call in by the Secretary of State;

- (ii) Negotiation and completion of a Section 106 agreement to secure benefits of improved facilities at Wolverhampton College
- (ii) Any necessary conditions to include:
 - Targeted recruitment and training
 - Renewable energy
 - Levels
 - Land contamination
 - Drainage
 - Tree protection measures
 - Details of remediation works to boundary wall
 - Construction method statement
 - Hours of construction
 - Landscaping (including surface materials)
 - Boundary fencing
 - Fencing for rear gardens of plots 9, 10, 11 and 12



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