

# Planning Committee

## Tuesday, 8 November 2016

<b>Planning application no.</b>	16/01024/OUT	
<b>Site</b>	Former bus depot, Cleveland Road	
<b>Proposal</b>	Redevelopment of former bus depot for housing and retail	
<b>Ward</b>	Ettingshall	
<b>Applicant</b>	Homes and Communities Agency	
<b>Cabinet member with lead responsibility</b>	Councillor John C Reynolds, Cabinet Member for City Economy	
<b>Accountable Director</b>	Keren Jones, Service Director, City Economy	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Andy Carter	Senior Planning Officer
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### 1.0 Summary recommendation:

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

### 2.0 Application site

2.1 The site is 1.08ha in area, and comprises the former Wolverhampton Corporation bus and tram depot. The bus depot was used for fleet car parking, and a quantum of pay and display, these uses ceased on 30 September 2016. The site is bounded by Cleveland Road, Hospital Street, Bilston Road, and Ring Road St George's, and by an area of vacant land fronting Hospital Street.

2.2 The site is in the Cleveland Road Conservation Area, and is opposite the Grade II listed Royal Hospital, and Baker's Boot & Shoe Factory.

### 3.0 Application details

3.1 As the application is in outline it seeks to establish the uses, access, and upper development limits. The proposed uses are residential with some ancillary retail. Access would be from Cleveland Road opposite the Baker's Boot & Shoe Factory. The applicants have submitted a parameters plan showing upper limits of dwellings (140) and retail floorspace (300sqm). Without retail floorspace the dwelling capacity rise to 146.

3.2 In lieu of affordable housing the Homes and Communities Agency are proposing to provide 10% starter homes on site. On-site landscaping and open space would be provided as part of the layout of the apartments.

#### **4.0 Planning History**

4.1 06/01269/CON Demolition of former bus depot – approved August 2007.

4.2 06/01078/OUT Mixed use development including Royal Hospital site – withdrawn November 2006

#### **5.0 Development Plan**

5.1 National Planning Policy Framework (NPPF)

5.2 Black Country Core Strategy (BCCS)  
Wolverhampton Unitary Development Plan (UDP)  
Wolverhampton City Centre Area Action Plan (AAP)

#### **6.0 Publicity**

6.1 Two representations received. One neutral and one in objection. The comments are summarised below:

- Neutral comments:
  - Opportunity to create visual statement on corner plot with height onto Bilston Road and Ring Road
  - Regeneration opportunity for All Saints area
  - Preservation of architectural features of bus depot
- Objection comments:
  - Loss of heritage details

#### **7.0 Consultees**

7.1 Historic Environment, Environmental Health and Transportation have no objections.

7.2 Severn Trent and West Midlands Police have no objections.

7.3 Environment Agency comments are outstanding.

#### **8.0 Legal implications**

8.1 In considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

8.2 When an application is situated in or affects the setting of a Conservation Area by virtue of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under the Act. (LD/25102016/A)

## 9.0 Appraisal

9.1 The key issues are:

- Principle of development
- Design and heritage
- Amenity
- Highways and accessibility
- Section 106 Agreement
- Open space

Principle of development

9.2 The site is identified in the City Centre AAP as part of the wider Royal Hospital development area. The designation sets out residential as one of the principle uses, with an element of supporting retail. The proposals are consistent with this policy position.

Design and heritage

9.3 The demolition of the bus depot was approved as part of a previous application. The building is much altered and makes a neutral contribution to the conservation area. The key elevation faces Bilston Road and contains historic details internally and externally which the applicants have agreed to salvage during the demolition phase and store for later re-use.

9.4 The parameters plan submitted by the applicants shows apartment buildings of four - seven stories fronting the Bilston Road Island, with the height reducing to three - five stories along Bilston Road and part of the Ring Road. This would address the gateway frontage of the site with mass and prominence.

9.5 The proposed heights of apartments reduce further to between two and three stories and the town houses fronting Cleveland Road are shown as between two and a half and three storey. The retail unit at the corner of Cleveland Road and the Ring Road would be two stories. The reduction in height of the proposed buildings facing the listed Royal Hospital and Boot Factory would preserve and enhance the setting of those heritage assets, and create a street scene setting.

9.6 The less than significant harm to the conservation area from the demolition of the bus depot is substantially off-set by the public benefits of new housing for the city centre and the first phase of regeneration for the Royal Hospital development area.

#### Amenity

- 9.7 The apartments facing Bilston Road and the Ring Road would have acoustic glazing to reduce road noise for residents. Apartments on the ground floor would not be permitted fronting Bilston Road and Ring Road St Georges to ensure no air quality issues from vehicles. Balconies for the apartments fronting these roads would also be restricted.

#### Highways and accessibility

- 9.8 The site is in a highly sustainable location, in walking distance to the city centre, and transport interchange. The public realm improvement of Cleveland Road would be secured as part of the off-site works in an agreement pursuant to Section 278 of the Highways Act 1980.

#### Open space

- 9.9 To request off-site open space contributions a nearby facility with a deficiency in quality or quantity of provision would be required to meet the tests in the Community Infrastructure Levy Regulations. The All Saints Neighbourhood Park is the closest public recreation facility, but this has had recent investment in play space equipment.
- 9.10 An area of public open space is envisaged through the delivery of the next phase of the Royal Hospital redevelopment.

#### Section 106 Agreement

- 9.11 In accordance with development plan policies there is a requirement for the following:
- Affordable housing at 25%  
The requirement for affordable housing meets the tests in the Community Infrastructure Levy Regulations.
- 9.12 The applicants have advised the development would be unviable with the standard obligations and a viability assessment is being tested by the District Valuer to establish this. In standard circumstances the obligations would be reduced, commensurate with the lack of viability established, and only applied on a pro-rata basis on dwellings not available for occupation three years after the lack of viability was established.
- 9.13 In this instance the Homes and Communities Agency advise that the development would be unviable with any affordable housing. In lieu of this they are proposing a 10% on-site provision of starter homes. Therefore on the basis that the proposals cannot financially support on-site affordable housing, the HCA would provide:
- 10% starter homes  
This would meet the tests required pursuant to legislation.
- 9.14 The cost to the developer of providing starter homes is lower than the cost of providing affordable housing. The starter homes would be discounted by a minimum of 20% from the open market value. Affordable housing has a greater discount against open market value.
- 9.15 The Council is well versed in developments being found unviable, and the developer subsequently making no contribution to planning obligations. Whilst the HCA's proposals represent a shift in the Council's standard policy approach, it would deliver a quantum of

housing at a discounted rate, on a site that may be unable to provide any affordable housing. On balance therefore the approach of starter homes instead of affordable housing is acceptable, and mirrors the direction of travel in national policy.

- 9.16 The housing would be secured through the Section 106 Agreement and go towards meeting an emerging national requirement for starter homes; delivering a mixture of tenure types on site.

## 10.0 Summary

- 10.1 The proposals are the first phase of the wider regeneration of the Royal Hospital Development Area. The uses are acceptable in principle, and the housing numbers would make a significant contribution to the city centre living agenda, and the Council's five year land supply. The design detail, layout and building heights would be secured through reserved matters applications.

## 11.0 Detail recommendation

- 11.1 That the Strategic Director Place be given delegated authority to grant planning application 16/01024/FUL subject to:

- (i) A Section 106 Agreement for the following:

- Affordable housing at 25%

Or if the development is found unviable with the obligations at (i) a Section 106 for the following:

- Starter homes at 10%

- (ii) The following conditions:

- Reserved matters
  - Layout
  - Scale
  - Appearance
  - Landscape
- Materials
- Drainage
- Bin stores
- Cycle and motorcycle parking
- Construction method statement
- Acoustic glazing
- No balconies to Bilston Road or Ring Road St Georges
- Electric Vehicle Charging Points
- Renewable energy
- External lighting
- Plant and machinery sound levels

- Targeted recruitment and training
- Retail opening times:
  - 0700 – 2200 Monday to
  - 0800 – 2200 Sunday and Bank Holiday
- Retail delivery times:
  - 0800 – 1800 Monday to Saturday
  - 1000 – 1600 Sunday and Bank Holiday
- Land contamination
- 1:50 architect details of the windows and doors of town houses fronting Cleveland Road
- Public realm improvement to Cleveland Road fronting the site
- Demolition and construction times:
  - 08:00 – 18:00 Monday to Friday
  - 08:00 – 13:00 Saturday
  - At no time on Sundays and Bank Holidays

