



# Planning Committee

20 January 2015

<b>Planning application no.</b>	14/01300/FUL
<b>Site</b>	1 Red Lion Street
<b>Proposal</b>	Change of use of part of vacant ground floor and basement to tea room. Erection of decking area with outside shisha smoking area.
<b>Ward</b>	St Peter's
<b>Applicant</b>	D Sabri
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Strategic Director Place
<b>Planning officer</b>	Name Ann Wheeldon Tel 01902 550348 Email <a href="mailto:Ann.wheeldon@wolverhampton.gov.uk">Ann.wheeldon@wolverhampton.gov.uk</a>

## 1. Summary Recommendation

1.1 Grant subject to conditions.

## 2. Application site

2.1 The application site is a large former retail unit located within the city centre conservation area. It fronts on to Red Lion Street with the rear visible from Waterloo Road.

2.2 The unit has been vacant for over ten years.

## 3. Application Details

3.1 The proposal is for the change of use of part of vacant ground floor and basement to a tea room with the erection of a decking area with outside shisha smoking area.

## 4. Planning History

4.1 A planning application for a change of use for mixed use B1, A1, A2, A3 and conversion to create 19 flats went before planning committee in 2008. Planning committee resolved to give delegated authority to grant, subject to a Section 106 agreement being signed. This was never signed and the application was officially 'not determined'.

## **5. 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. Environmental Impact Assessment Regulations**

- 6.1 This development proposal is not included in the definition of Projects that requires a “screening opinion” as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

## **7. Publicity**

- 7.1 Two objections have been received (one from the adjacent office and the other from Councillor Roger Lawrence) on the following planning grounds:
  - Impact on air quality
  - Impact on public health
  - Fire hazard

## **8 Internal Consultees**

- 8.1 Historic Environment – No objections
- 8.2 Environmental Health – comments awaited with regards to compliance with the relevant smoking legislation.

## **9. Legal Implications**

- 9.1 There are no direct legal implications arising from this report (LD/08012015/E)

## **10. Appraisal**

- 10.1 The principal use of the unit would be as a tea shop, with an ancillary outdoor shisha smoking area. This usage is appropriate within the city centre.
- 10.2 The application property has been vacant for over ten years and its refurbishment would be welcome.
- 10.3 To the rear of the application site is a car park, with commercial premises to either side of this. The proposed shisha area would be located on decking to be erected immediately to the rear of the building.
- 10.4 The proposed opening hours would be 5pm until 2am, meaning that the majority of the time of use would be outside normal office working hours.

- 10.5 Whilst the impact on public health is acknowledged, in this case, due to the location of the smoking area away from the highway, the proposed hours of operation and the size of the smoking area, it is not sufficient to refuse planning permission.
- 10.6 The objections also reference other issues including building control, fire safety and licensing. These are not material planning considerations and are dealt with by Building Control, the Fire Authority and the Licensing department under separate, more appropriate, legislation.
- 10.7 There would not be a material impact on the character and appearance of the conservation area from the proposed decking area or change of use.
- 10.8 The proposal would bring a large long-vacant unit located in the city centre back into use, creating at least four jobs.

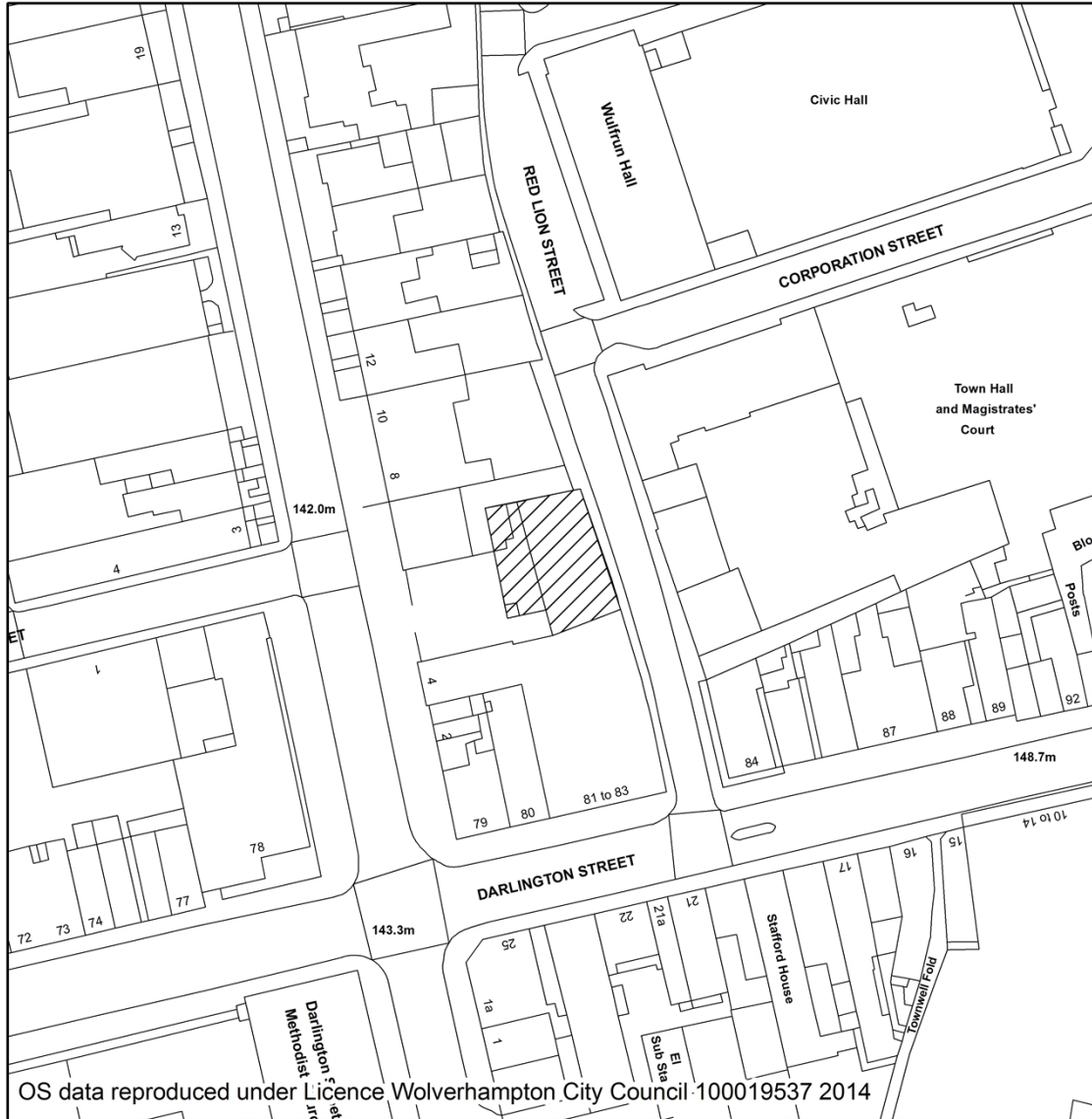
## **11. Conclusion**

- 11.1 Subject to conditions, the proposal is acceptable and in accordance with the development plan.

## **12. Detailed Recommendation**

- 12.1 That planning application 14/01300/FUL be granted, subject to any appropriate conditions including:
- Submission of decking materials
  - Hours of opening

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