

Wolverhampton City Council

**OPEN DECISION ITEM**

Committee / Panel	<b><u>PLANNING COMMITTEE</u></b>	Date:3 <sup>rd</sup> January 2012
Originating Service Group(s)	<b>REGENERATION AND ENVIRONMENT</b>	
Contact Officer(s)	<b>Stephen Alexander (Head of Development Control &amp; Building Control)</b>	
Telephone Number(s)	<b>(01902) 555610</b>	
Title/Subject Matter	<b>PLANNING APPLICATIONS</b>	

---

**Recommendation**

Members are recommended to:

- (i) note the advice set out in the Legal Context and Implications;
- (ii) determine the submitted applications having regard to the recommendations made in respect to each one.

# PLANNING COMMITTEE (3<sup>rd</sup> January 2012)

## Legal Context and Implications

### **The Statutory Test**

- 1.1 S70 of the Town and Country Planning Act 1990 provides that where a local planning authority is called upon to determine an application for planning permission they may grant the permission, either conditionally or unconditionally or subject to such conditions as they think fit or they may refuse the planning permission. However, this is not without further restriction, as s.70 (2) of the Town and Country Planning Act 1990 requires that the authority shall have regard to the provisions of the development plan so far as material to the planning application and to any other material considerations. Further, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Officers will give guidance on what amounts to be a material consideration in individual cases but in general they are matters that relate to the use and development of the land.

### **Conditions**

- 1.2 The ability to impose conditions is not unfettered and they must be only imposed for a planning purpose, they must fairly and reasonably relate to the development permitted and must not be manifestly unreasonable. Conditions should comply with Circular Guidance 11/95.

### **Planning Obligations**

- 1.3 Planning Obligations in respect of development that is capable of being charged the community infrastructure levy, whether there is a local levy in operation or not, must now as a matter of law (by virtue of the Community Infrastructure Levy Regulations 2010) with three tests namely, they must be:

- i) Necessary to make the development acceptable in planning terms
- ii) Directly related to the development; and
- iii) Fairly and reasonably related in scale and kind to the development.

Therefore, it will be unlawful for a planning obligation to be taken into account when determining a planning application, if the tests are not met. For all other development which is not capable of being charged with CIL e.g. structures that are not buildings such as wind turbines, the policy in Circular 5/2005 will continue to apply.

Circular 05/2005 Planning Obligations provides that Planning Obligations should only be sought that comply with all of the following tests

- (i) relevant to planning
- (ii) necessary to make the proposed development acceptable in planning terms
- (iii) directly related to the proposed development
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects

### **Retrospective Applications**

- 1.4 In the event that an application is retrospective it is made under S73A of the Town and Country Planning Act 1990. It should be determined as any other planning permission would be as detailed above.

### **Applications to extend Time-Limits for Implementing Existing Planning Permissions**

- 1.5 A new application was brought into force on 1/10/09 by the Town and Country (General Development Procedure) (Amendment No 3) (England) Order 2009 (2009/2261) and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (2009/2262).
- 1.6 This measure has been introduced in order to make it easier for developers and LPA's to keep planning permissions alive for longer during the economic downturn, so that they can be more quickly implemented when economic conditions improve. It is a new category of application for planning permission, which has different requirements relating to:
- the amount of information which has to be provided on an application;
  - the consultation requirements;
  - the fee payable.
- 1.7 LPA's are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application will necessarily have been judged to have been acceptable at an earlier date. The application should be judged in accordance with the test in s.38(6) P&CPA 2004 (see above). The outcome of a successful application will be a new permission with a new time limit attached.
- 1.8 LPA's should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission. The process is not intended to be a rubber stamp. LPA's may refuse applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

#### **Reasons for the Grant or Refusal of Planning Permission**

- 1.9 Members are advised that reasons must be given for both the grant or refusal of planning decisions and for the imposition of any conditions including any relevant policies or proposals from the development plan.
- 1.10 In refusing planning permission, the reasons for refusal must state clearly and precisely the full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision (art 22(1)(c) GDPO 1995).
- 1.11 Where planning permission is granted (with or without conditions), the notice must include a summary of the reasons for the grant, together with a summary of the policies and proposals in the development plan which are relevant to the decision to grant planning permission (art 22(1)(a and b) GDPO 1995).
- 1.12 The purpose of the reasons is to enable any interested person, whether applicant or objector, to see whether there may be grounds for challenging the decision (see for example *Mid - Counties Co-op v Forest of Dean* [2007] EWHC 1714).

#### **Right of Appeal**

- 1.13 The applicant has a right of appeal to the Secretary of State under S78 of the Town and Country Planning Act 1990 against the refusal of planning permission or any conditions imposed thereon within 6 months save in the case of householder appeals where the time limit for appeal is 12 weeks. There is no third party right of appeal to the Secretary of State under S78.
- 1.14 The above paragraphs are intended to set the legal context only. They do not and are not intended to provide definitive legal advice on the subject matter of this report. Further detailed legal advice will be given at Planning Committee by the legal officer in attendance as deemed necessary.

## **The Development Plan**

- 2.1 Section 38 of the 2004 Planning and Compulsory Purchase Act confirms that the **development plan**, referred to above, consists of the *development plan documents* which have been adopted or approved in relation to that area.
- 2.2 Wolverhampton's adopted Development Plan Documents are the saved policies of Wolverhampton's Unitary Development Plan (June 2006) and the West Midlands Regional Spatial Strategy.

## **Environmental Impact Assessment Regulations**

- 3.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where proposals are likely to have significant effects upon the environment, it is necessary to provide an Environmental Impact Assessment (EIA) to accompany the planning application. The EIA will provide detailed information and an assessment of the project and its likely effects upon the environment. Certain forms of development [known as 'Schedule 1 Projects'] always require an EIA, whilst a larger group of development proposals [known as 'Schedule 2 Projects'] may require an EIA in circumstances where the development is considered likely to have a "significant effect on the environment".
- 3.2 Schedule 1 Projects include developments such as:-  
  
*Oil Refineries, chemical and steel works, airports with a runway length exceeding 2100m and toxic waste or radioactive storage or disposal depots.*
- 3.3 Schedule 2 Projects include developments such as:-  
  
*Ore extraction and mineral processing, road improvements, waste disposal sites, chemical, food, textile or rubber industries, leisure developments such as large caravan parks, marina developments, certain urban development proposals.*
- 3.4 If it is not clear whether a development falls within Schedule 1 or Schedule 2 the applicant can ask the local authority for a "screening opinion" as to which schedule is applicable and if Schedule 2, whether an EIA is necessary.
- 3.5 Even though there may be no requirement to undertake a formal EIA (these are very rare), the local authority will still assess the environmental impact of the development in the normal way. The fact that a particular scheme does not need to be accompanied by an EIA, is not an indication that there will be no environmental effects whatsoever.

<b><u>REFERENCE</u></b>	<b><u>SITE ADDRESS</u></b>	<b><u>WARD</u></b>	<b><u>PAGE NO</u></b>
11/00821/FUL	Land At The Rear Of 216 Compton Road Wolverhampton WV3 9JX	<b>Park</b>	Page 7
Application Type	Minor Dwellings		
11/00983/FUL & 11/00984/LBC	Wightwick Manor Wightwick Bank Wolverhampton WV6 8EE	<b>Tettenhall Wightwick</b>	Page 14
Application Type	Smallscale Major All Other Development & Listed Building Consent (to demolish)		
11/00831/FUL	The Hustler Public House Willenhall Road Bilston Wolverhampton WV14 6NW	<b>Bilston North</b>	Page 21
Application Type	Minor Retail		
11/01090/VV	154. Land Bounded By The Staffordshire And Worcester Canal And Wobaston Road Wolverhampton	<b>Bushbury North</b>	Page 29
Application Type	Largescale Major All other developments		
11/00762/VV	Coppice Performing Arts School Ecclestone Road Wolverhampton WV11 2QE	<b>Wednesfield North</b>	Page 35
Application Type	Smallscale Major All Other Development		

11/00822/FUL Clearance Bed Warehouse Unit 1  
Ice House Industrial Estate  
148 Oxford Street  
Bilston  
Wolverhampton  
WV14 7DN **Bilston East** Page 40

Application Type Smallscale Major All  
Other Development

---

11/00538/FUL Land Adjacent  
6 Lawrence Avenue  
Heath Town  
Wolverhampton  
WV10 0QJ **Heath Town** Page 45

Application Type Minor Dwellings

---

11/00539/FUL Shop South Corner Of  
Bushbury Road  
Lawrence Avenue  
Heath Town  
Wolverhampton **Heath Town** Page 50

Application Type Minor Dwellings

---

11/00893/FUL Land To The Rear Of  
71 Mill Lane  
Tettenhall Wood  
Wolverhampton  
WV6 8HE **Tettenhall  
Wightwick** Page 55

Application Type Minor Dwellings

---

11/01063/VV 13 - 15 Birches Barn Road  
Wolverhampton  
WV3 7BW **Graiseley** Page 61

Application Type Minor Retail

---

## **PLANNING COMMITTEE - 03-Jan-12**

**APP NO:** 11/00821/FUL

**WARD:** Park

**DATE:** 23-Aug-11

**TARGET DATE:** 18-Oct-11

**RECEIVED:** 23.08.2011

**APP TYPE:** Full Application

**SITE:** Land At The Rear Of, 216 Compton Road, Wolverhampton, WV3 9JX

**PROPOSAL:** Erection of four bedroom detached dwelling and detached garage at the rear of 216 Compton Road.

**APPLICANT:**

Mr Davinder Nath  
216 Compton Road  
Wolverhampton  
WV3 9JX

**AGENT:**

Mr J K Kalsi  
Building Designs & Technical Services  
2 Coalway Road  
Penn  
Wolverhampton  
WV3 7LR

### COMMITTEE REPORT:

#### **1. Site Description**

1.1 The site is part of the garden land to 216 Compton Road. The surrounding area is predominantly residential with a mixture of residential dwellings, north, east, south and west of the site. The property itself has a larger than average garden area, which also wraps around the rear garden area of the neighbouring property at 218 Compton Road. The property also has a recently formed vehicular access from Ross Close north of the site.

#### **2. Application details**

2.1 The proposal is for the erection of a detached two storey dwelling, of four bedrooms, and a detached garage, which is accessed from the recently formed existing vehicular opening at the rear of the property at Ross Close.

#### **3. Planning History**

3.1 A/C/1916/78 for Extension to rear of house, Granted, dated 07.09.1978.

3.2 A/C/0953/81 for Construction of bungalow, Refused ,dated 19.10.1981.

3.3 A/C/0062/82 for Erection of one bungalow, Refused, dated 22.02.1982. Allowed at Appeal

#### **4. Constraints**

4.1 Source Protection Zone - Source Protection Zones: 1

## **5. Relevant Policies**

### The Development Plan

#### 5.1 Wolverhampton's Unitary Development Plan

AM12 - Parking and Servicing Provision  
AM15 - Road Safety and Personal Security  
D4 - Urban Grain  
D6 - Townscape and Landscape  
D7 - Scale - Height  
D8 - Scale - Massing  
D9 - Appearance  
D11 - Access for People with Disabilities part  
D12 - Nature Conservation and Natural Features  
D13 - Sustainable Development Natural Energy  
EP9 – Sustainable Drainage Arrangements for Development  
N7 - The Urban Forest  
H6 - Design of Housing Development

### Other relevant policies

#### 5.2 PPS1 – Delivering Sustainable Development

PPG3 - Housing  
PPS1 - Delivering Sustainable Development

#### 5.3 Wolverhampton's Supplementary Documents

SPG3 - Residential Development

#### 5.4 Black Country Core Strategy (publication document Nov 2009).

ENV3 - Design Quality

## **6. Environmental Impact Assessment Regulations**

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).

6.2 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 Seven representations received, with one request to address Planning Committee. Objections cover the following items:

- Outlook
- Privacy
- Light/sunlight
- Views,
- Trees
- Wildlife
- Drainage/flooding
- Access problems,
- Highway safety/parking



## **8. Internal Consultees**

8.1 **Environmental Services** – Operational Hours during construction to be conditioned, in order to limit the potential for disturbance to neighbouring residential properties.

8.2 **Transportation Development** – No objections

## **9. External Consultees**

9.1 **Severn Trent** – No objection subject to condition as follows:

- The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: to ensure that the development is provided with a satisfactory means for drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

## **10. Legal Implications**

10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/1102011/W)

## **11. Appraisal**

11.1 The key issues are: -

- Principle of Development
- Design/Street Scene
- Layout (internal and external layout including garden space and parking)
- Neighbouring Amenities
- Trees
- Drainage/Flooding

### Principle of Development

11.2 The application site currently consists of a detached dwelling, set in substantial grounds, and surrounded on three sides by residential dwellings, to Compton Road, Avenue Road and Ross Close. The surrounding area is predominantly residential with mixture of house types/designs of a typical residential arrangement.

11.3 The site, currently houses one property, with an extensive garden with access from Ross Close. The land appears to have been divided up in the past resulting in a much smaller garden area to No. 218 Compton Road, and larger than average garden area to the application site.

11.4 The creation of an additional property on the garden land to the rear of this property needs to be assessed against the criteria set out in Planning Policy Statement 3 (June 2010, due to the development being set on garden land to the rear of 216 Compton Road). The Statement stipulates that “Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the development land and any associated fixed surface infrastructure”, the definition excludes:

- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other building, have not been previously developed.

11.5 Whilst the proposed plot is part of the rear garden of 216 Compton Road which faces onto Compton Road, the plot to be created would relate well to the established pattern of development of those properties north of the site in Ross Close and Avenue Road, without detracting from the setting of 216 Compton Road. The proposed dwelling would face and gain access from the head of the Ross Close cul-de-sac. The scheme can therefore be described as being in keeping with the established setting.

11.6 This has already been accepted via a previous outline planning application on the site (953/81) which was refused but allowed at appeal for a detached bungalow. The main issues were amenity of neighbours and street scene to Ross Close. The inspector confirmed that due to distances between the existing and proposed dwellings, the relationship of the dwelling with those properties in Ross Close and Avenue Road, the scheme would not affect neighbours or the street scene and so allowed the appeal.

11.7 Therefore, on balance it is considered that the principle of development is acceptable, and compliant with UDP Policy D4, H6, BCCS ENV3 and PPS3 (as amended June 2010).

#### Design

11.8 The dwellings surrounding the site, are not of a consistent design or appearance, but are varied. The simple design and footprint now proposed for this dwelling would be in keeping with the properties surrounding. The specified materials are also considered to be appropriate, harmonising well with both the existing property, and those surrounding. Therefore, the design is considered to be appropriate and compliant with UDP Policies D4, D6, D7, D8, D9 and BCCS ENV3.

#### Layout

11.9 The site would not appear overdeveloped, with a suitable amount of garden for both existing and proposed properties, and the layout would not be significantly out of keeping with the current external layout to neighbouring properties in Avenue Road and Ross Close, with garden areas of a sufficient width/depth. The internal layout of the property appears sustainable with main habitable rooms having a north/east and south/east orientation. In relation to parking and access, the access and level of parking proposed is sufficient for a property of this size. Therefore, it is considered that the detail in relation to internal and external layout including parking and access is acceptable, and compliant with UDP Policies AM12, AM15, D4.

11.10 However, due to the particular nature of the site, and its relationship with neighbouring properties and garden areas, it is proposed to remove permitted development rights for future extensions and outbuildings.

#### Neighbouring Amenities

11.11 There have been a number of objections regarding the proposal on the grounds of loss of outlook, privacy, light/sunlight, views, trees, wildlife, drainage/flooding, access problems, highway safety/parking.

11.12 The proposal has been assessed in relation to neighbouring amenities, and it is considered not to have any significant impact on outlook, light, sunlight or privacy, to warrant a refusal.

11.13 The distances between neighbouring properties and garden areas, exceeds the minimum set out in Supplementary Planning Guidance Note 3 "Residential Development", of 22 metres. The finished levels would be increased to meet the floor

level of those properties fronting Compton Road and Ross Close, and although this two storey dwelling would be clearly visible especially from 216 and 218 Compton Road, it is considered that the finished height of the proposed house would not appear overbearing due to the distance, screening, size, height and configuration.

- 11.14 The internal layout of the property has also been carefully considered, especially in relation to the vacant plot south/west of the site in Avenue Road (which has planning permission for apartments). The proposed dwelling would be close to this boundary; therefore, the windows have been obscurely glazed, serving en-suite and bathroom facilities only.
- 11.15 It would however be necessary to condition the application removing permitted development rights for any additional rear facing windows in the south/west elevation to protect the future privacy of the neighbouring site, to be compliant with UDP Policy D8.
- 11.16 Other items of concern are appraised under relevant paragraphs below. Therefore, although it is considered that the proposal is consistent with UDP Policies D7 and D8, and BCCS ENV3, further detail is required to ensure that the proposal satisfactorily addresses Policy EP9 (Sustainable Drainage).

#### Wildlife/Trees

- 11.17 There are no tree preservation orders on this particular site. However, the tree officer has assessed the proposal as it is intended to remove six trees, and has confirmed that there are no objections to their removal. The only aspect to note is that the conifer hedge adjacent to No. 6 Ross Close (within the site) requires management. The hedge is a valuable screen, but needs reducing in height to a minimum of 2-3 metres. The hedge would also require protection, as excavation could damage the shallow roots of the conifers, which could lead to their demise. This can be conditioned. Compliant with UDP Policies D12, N1, N5, N7 and N9.
- 11.18 In respect of wildlife, the site concerned is a garden area and there is no record or evidence of any protected wildlife species.

#### Drainage/Flooding

- 11.19 In respect of drainage/flooding, the application site does fall outside the flood zone for this particular area. However, records do reveal that the garden area to 216 Compton Road and the head of Ross Close, have flooded quite significantly during heavy rainfall. Therefore, details have been requested on how this aspect would be tackled (e.g. raised internal floor levels) and how surface water disposal would be addressed, especially in light of flooding of this particular site, in the interests of future occupants, and in order to encourage a sustainable means of disposal should this be possible in this location.
- 11.20 A report has now been provided and amendments incorporated into the scheme to mitigate the potential for flooding at this particular site. The report by Sanderson (consulting Engineers) Ltd, stresses that the proposed development would provide significant benefit, in terms of protecting the properties on Ross Close from surface water flooding from Compton Road by holding and storing any water within the garden areas instead of being a pathway for the water to flow into the properties beyond.
- 11.21 The proposal ensures that the proposed dwelling is not at risk of flooding from this source as the ground level would be placed at a higher level than the garden areas. The proposed terraced garden areas and perimeter walls to 216 Compton Road and the new dwelling garden areas mean that any surface water flood waters are intercepted and stored within the garden areas, and drained via soakaways, and are not able to continue flowing into the lower lying area which is number 5 Ross Close.

The proposed storage area has significantly more capacity than any potential displacement of water due to the proposed house.

- 11.22 Therefore, based on the report and the proposed mitigation measures it is concluded that the proposed development would not worsen and may in fact improve the risk of flooding to the properties in Ross Close, by intercepting, storing and draining them within the garden areas, consistent with UDP Policy EP9. However, this report is being considered by Severn Trent whose views are awaited at the time of writing.

## **12. Conclusion**

- 12.1 It is considered, that the nature of the site would be appropriate for residential development. The layout and setting of the proposed dwelling would relate well with those properties within Ross Close, providing sufficient distances between the existing and proposed dwellings, with adequate parking and garden area to support the dwelling. The design relates well to its surroundings and sits well within the street scene, and the access to the property and for parking is considered acceptable. The mitigation measures incorporated into the scheme may also benefit both proposed and surrounding properties, ensuring that surface water would be satisfactorily addressed, especially in light of flooding issues, subject to no objection from Severn Trent Water.
- 12.2 Subject to certain restrictions, especially in relation to neighbouring amenities, it is considered that the proposed dwelling would be compliant with UDP Policies H6, D4, D6, D7, D8, D9, D11, D12, D13, AM12, AM15, N7, N9, EP9 and BCCS ENV3, PPS1 and PPS3,

## **13. Recommendation**

- 13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 11/00821/FUL, subject to no objections from Severn Trent Water and the following conditions:
- Drainage (including surface water) scheme to be implemented
  - Removal of pd rights for rear (south/west) facing windows
  - Removal of pd rights for extensions/outbuildings
  - Tree Protection including the boundary hedge

**Case Officer : Ms Tracey Homfray**

**Telephone No : 01902 555641**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00821/FUL**

Location	Land At The Rear Of, 216 Compton Road, Wolverhampton, WV3 9JX		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 389342 298783
Plan Printed	19.12.2011	Application Site Area	1367m <sup>2</sup>

## **PLANNING COMMITTEE - 03-Jan-12**

**APP NO:** 11/00983/FUL & 11/00984/LBC  
**WARD:** Tettenhall Wightwick  
**DATE:** 18-Oct-11  
**TARGET DATE:** 13-Dec-11  
**RECEIVED:** 18.10.2011  
**APP TYPE:** Full Application & Listed Building Consent

**SITE:** Wightwick Manor, Wightwick Bank, Wolverhampton

**PROPOSAL:** Proposed single storey extension, partial demolition and alterations to stable/carriage house to create visitor tea rooms. Alterations to the existing single storey garages to create a gardeners rest room. New landscaping and alterations to pedestrian pathways and staff/visitor car parking areas.

**APPLICANT:**

National Trust  
Wightwick Manor  
Wightwick Bank  
Wolverhampton  
WV6 8EE

**AGENT:**

Mr Chris Lambart  
National Trust  
Attingham Consultancy Hub  
Attingham Park  
Shrewsbury  
Shropshire  
SY4 4TP

### COMMITTEE REPORT:

#### **1. Site Description**

- 1.1 The application site is located approximately 2.8 miles to the west of Wolverhampton City Centre and within Wightwick Bank Conservation Area.
- 1.2 The site includes a number of listed building, including Wightwick Manor (grade I), The Malthouse (grade II\*) and the Old Manor House (grade II\*). The gardens at Wightwick are listed as grade II in the register of historic parks and gardens, and some of its features and outbuildings, including the stables, carriage house and gardeners' rest room are also listed as grade II.
- 1.3 The Manor House is set within substantial gardens and is situated within the centre of the site, with the stables and carriage house to the north. The main visitor car park is within the southern part of the site and is accessed from Wightwick Bank. Staff and disabled parking is situated within two areas to the north of the Manor House. There are 126 car parking spaces on site.

#### **2. Application Details**

- 2.1 The proposals seek permission for a single storey extension to the existing stable/coach house, including some demolition works, to create a visitor café/tea room, kitchen and shop. There would also be alterations to the existing garage buildings to create a gardeners rest room. New landscaping and pathways are proposed.
- 2.2 The café/tea rooms would accommodate approximately sixty visitors. There are 126 car parking spaces on site.

### **3. Planning History**

- 3.1 09/00304/FUL. Erection of single storey visitor reception building. Granted 31.07.2009.
- 3.2 08/01289/FUL. Extension to car park, access alterations, and pedestrian route. Granted 05.02.2009.

### **4. Constraints**

- 4.1 Conservation Area  
Listed Buildings  
Registered Park and Garden  
Mineral Safeguarding Area  
Sites and Monuments Entry

### **5. Relevant Policies**

#### The Development Plan

#### 5.1 Black Country Core Strategy (BCCS)

- CSP4 Place Making
- CSP5 Transport Strategy
- CEN6 Meeting Local Needs for Shopping and Services
- EMP1 Providing for Economic Growth
- EMP2 Actual and Potential Strategic High Quality Employment Areas
- EMP4 Maintaining a Supply of Readily Available Land
- EMP5 Improving Access to the Labour Market
- EMP6 Cultural Facilities and the Visitor Economy
- TRAN2 Managing Transport Impacts of New Development
- ENV1 Nature Conservation
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat island
- WM5 Resource Management and New Development

#### 5.2 Wolverhampton's Unitary Development Plan

- D1 Design Quality
- D4 Urban Grain
- D5 Public Realm Public Space / Private Space
- D6 Townscape and Landscape
- D7 Scale - Height
- D8 Scale - Massing
- D9 Appearance
- D11 Access for People with Disabilities part 1
- D12 Nature Conservation and Natural Features
- D13 Sustainable Development Natural Energy
- D14 The Provision of Public Art
- EP1 Pollution Control
- EP5 Noise Pollution
- EP9 Sustainable Drainage Arrangements for Development
- HE1 Preservation of Local Character and Distinctiveness
- HE3 Preservation and Enhancement of Conservation Areas
- HE6 Demolition of Buildings or Structures in a Conservation Area
- HE12 Preservation and Active Use of Listed Buildings
- HE13 Development Affecting a Listed Building
- HE14 Alterations and Extensions to a Listed Building
- HE16 Demolition of a Listed Building

HE17 Development Affecting the Setting of a Listed Building  
N1 Promotion of Nature Conservation  
N7 The Urban Forest  
N9 Protection of Wildlife Species  
AM12 Parking and Servicing Provision  
AM15 Road Safety and Personal Security

Other relevant Policy Documents

- 5.3 PPS1 Delivering Sustainable Development  
PPS5 Planning for the Historic Environment  
PPG13 Transport

**6. Environmental Impact Assessment Regulations**

- 6.1 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 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. Neighbour Notification and Publicity**

- 7.1 One objection from a local resident on the grounds of substandard parking provision. Recommends staff car parking provision be increased to deter staff and visitors from parking in the surrounding streets.

**8. Internal Consultees**

- 8.1 **Historic Environment** – No objection subject to conditions relating to external materials and large scale architectural details.
- 8.2 **Archaeology** – No objections
- 8.3 **Transportation** – Request car park surveys be carried out to demonstrate that there would be sufficient parking provision on site to accommodate future parking demands associated with the enhanced site offer to visitors.
- 8.4 **Landscape** – No objection subject to conditions relating to tree protection and landscaping.
- 8.5 **Nature Conservation** – No objection subject to conditions requiring the development to be carried out in accordance with the recommendations of the ecology/bat survey.
- 8.6 **Environmental Services** – No objections subject to conditions relating to external ventilation equipment and restriction on the hours of construction and demolition.

**9. External Consultees**

- 9.1 **Fire Service and English Heritage** – No objections.



## **10. Legal Implications**

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “*for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted*”. On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission
- 10.3 Listed Building consent is required to any works for the demolition of a listed building, or for its alteration or extension which is likely to affect its character as a building of special architectural or historical interest. S16 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that where permission is granted it can be granted subject to conditions and further detailed in S17 (1). In considering the application S16 (2) of the Act provides that the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.4 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 and further should have regard to any representations ensuing from the publicity required under S73 of the Act [LC/19122011/A].

## **11. Appraisal**

- 11.1 The key issues are:
- Principle of the Uses
  - Impact on the character and appearance of the Conservation Area and Listed Buildings
  - Access and Parking
  - Landscaping

### Principle of the Uses

- 11.2 The proposed visitor tea room/café would be small scale and well related to the main use of the site as a nationally important visitor attraction. It is therefore an acceptable use at this out of centre location and in accordance with BCCS policy CEN6.

### Impact on the character and appearance of the Conservation Area, Listed Buildings and the Registered Garden

- 11.3 The proposals would involve the loss of historic fabric of the former stables/coach house and consequently there would be some loss of significance. However, the harm would be less than substantial, and as such in this case the test to be applied is Policy HE 9.4 of PPS5. This states that where a proposal has a harmful impact on the

significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.

- 11.4 The public benefits of the proposal would outweigh the harm to the buildings' significance. The proposals will create a viable economic use for the former stable buildings, which are currently underused. The development would allow public access to part of the Wightwick Estate that is currently not available and would improve the overall visitor experience. The proposals would respect the special architectural and historic interest of the listed buildings at the site, the surrounding Conservation Area and the Registered garden. The proposals are in accordance with UDP policies HE1, HE3, HE6, HE12, HE13, HE14, HE15, HE16, HE17 and BCCS policy ENV2.

#### Access and Parking

- 11.5 The site includes 126 on site car parking spaces. However, the application does not include any supporting information to demonstrate that this level of provision would be sufficient to meet expected demand. The applicants have confirmed they will provide a car park survey to demonstrate that the existing level of provision is sufficient to accommodate the likely demand. Subject to the receipt of satisfactory information, the proposals would be in accordance with UDP policies AM12, AM15 and BCCS policy TRAN2.

#### Landscaping

- 11.6 The landscaping proposals detailed are appropriate to this unique setting and therefore are acceptable and in accordance with UDP policies D12, N1, N7 and BCCS policy ENV1.

## **12. Conclusion**

- 12.1 The proposals will create a viable economic use for the former stable/coach buildings, which are currently underused. They will help sustain this unique historic heritage asset and tourist attraction. The development would respect the special architectural and historic interest of the listed buildings at the site and the preserve and enhance the Conservation Area and the Registered Garden. Subject to receipt of satisfactory information to demonstrate that there is sufficient parking provision to meet expected demand, the proposals are acceptable and in accordance with PPS5, UDP policies HE1, HE3, HE6, HE12, HE13, HE14, HE15, HE16, HE17 AM12, AM15, D12, N1, N7 and BCCS policies CEN6, ENV1, ENV2 and TRAN2.

## **13. Recommendation**

### 11/00983/FUL

- 13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 11/00983/FUL subject to:

- (i) Receipt of satisfactory information to demonstrate that there would be sufficient on site car parking provision to meet future demand.
- (ii) Any necessary conditions including:
  - External Materials
  - Large scale architectural details
  - Landscaping
  - Hours of construction and demolition

- Implementation in accordance with bat/ecology surveys
- Tree protection
- External Ventilation
- Car Park Management Plan

11/00984/LBC

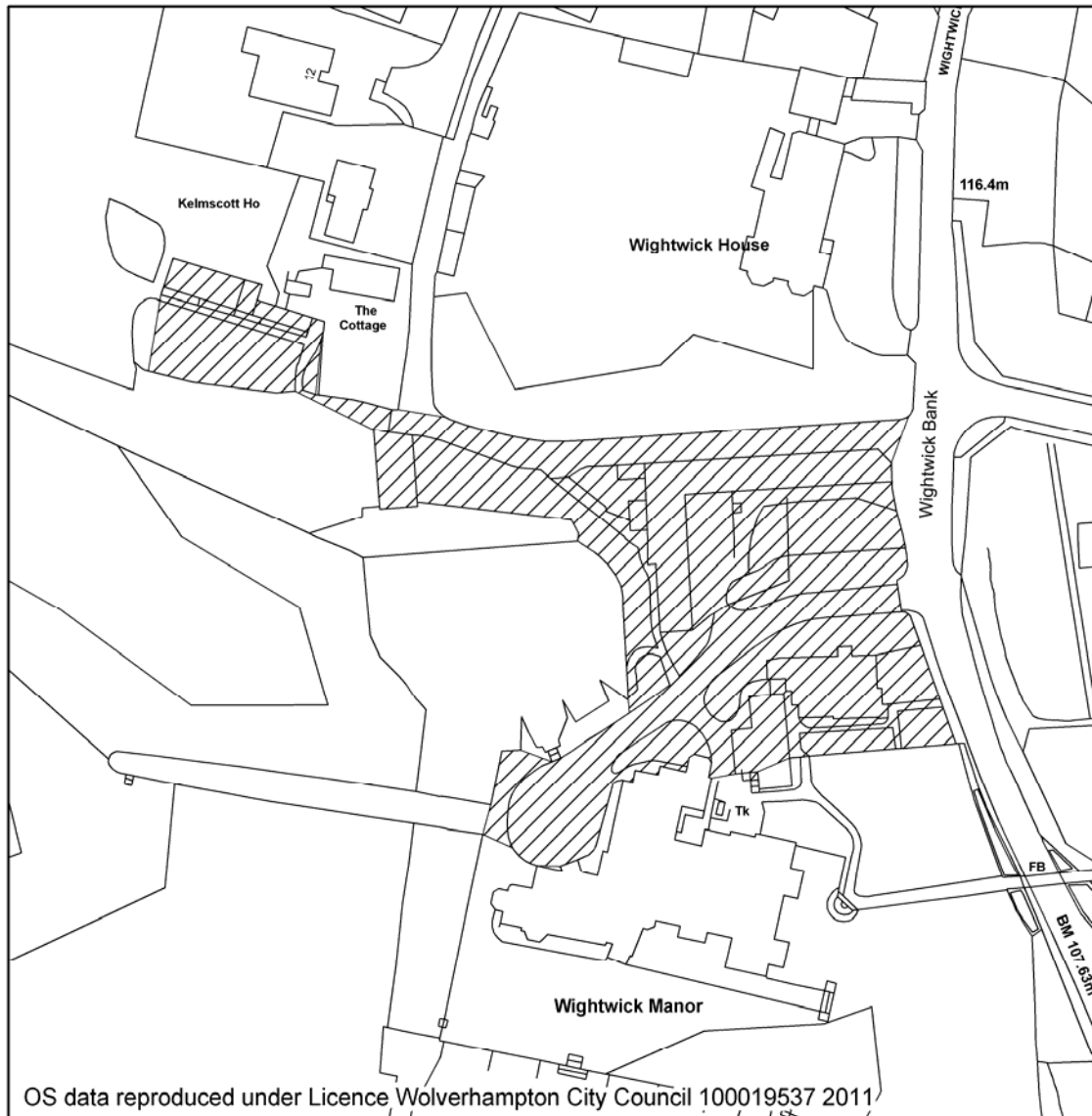
13.2 That Listed Building consent 11/00984/LBC be granted subject to any necessary conditions including:

- External Materials (including sample panels)
- Large scale architectural details.

**Case Officer : Mr Phillip Walker**

**Telephone No : 01902 555632**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00983 & 11/00984/LBC**

Location	Wightwick Manor, Wightwick Bank, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 386946 298441
Plan Printed	19.12.2011	Application Site Area	4265m <sup>2</sup>

## **PLANNING COMMITTEE - 03-Jan-12**

**APP NO:** 11/00831/FUL

**WARD:** Bilston North

**DATE:** 26-Aug-11

**TARGET DATE:** 21-Oct-11

**RECEIVED:** 26.08.2011

**APP TYPE:** Full Application

**SITE:** The Hustler Public House, Willenhall Road, Bilston, Wolverhampton

**PROPOSAL:** Demolition of former public house (A4) and construction of new convenience store (A1)

**APPLICANT:**

DBM Holdings  
C/o Building Design Practice  
132 Compton Road  
Wolverhampton  
WV3 9QB

**AGENT:**

Mr Bruce Jones  
Building Design Practice  
The Westlands  
132 Compton Road  
Wolverhampton  
WV3 9QB

### COMMITTEE REPORT:

#### **1. Site Description**

- 1.1 The application site is located at the former Hustler Public House, on the junction with Willenhall Road and Poplar Road.
- 1.2 The existing building is a detached commercial building situated in a predominately residential area. The building fronts onto the Willenhall Road which is an arterial route into Bilston Town Centre.
- 1.3 The former public house is located approximately 4km away from the city centre and 1.5km away from Bilston Town Centre.
- 1.4 The application site has been vacant for sometime with windows boarded and a security fence erected in 2008. However, since that time, the building has deteriorated further, the perimeter fence broken down into places allowing unauthorised access into the site. Large parts of the roof are now missing and litter and rubbish have accumulated on the site.

#### **2. Application details**

- 2.1 This application seeks planning permission for the demolition of the now empty and derelict public house and the erection of new convenience store (A1 use).
- 2.2 The proposed building would be single storey and approximately 356sq.m in gross floor retail space.
- 2.3 Parking would be allocated at the front. It comprises 17 car parking spaces including three disabled parking spaces, a motorcycle parking space and a cycle store is also provided.

- 2.4 Entrance/ exit to this parking area would be mainly through Willenhall Road but plans also show a vehicular entrance at Poplar Road.
- 2.5 Soft landscaping is proposed towards the front of the parking area.
- 2.6 The building would have a traditional architectural style. With a pitched roof and an active frontage facing towards Willenhall Road.
- 2.7 The applicant has submitted evidence in support of the case for the loss of the public house is in accordance with policy C3 and a 'sequential and impact assessment' in accordance with local and national planning policy. A transport assessment and a bat survey have also been submitted.
- 2.8 The proposed development would provide 15 full-time employees and 10 part-time employees.
- 2.9 The proposed opening times are Monday to Friday 07.00am to 11.00pm, Saturday 07.00am to 11.00pm and Sunday and Bank Holidays 07.00am to 11.00pm.

### **3. Relevant Planning History**

- 3.1 06/01472/FUL for demolition of existing public house and erection of 20 No. one and two bedroom flats, withdrawn dated 06.02.2007.

### **4. Constraints**

- 4.1 Coal Mining

### **5. Relevant policies**

#### The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan
  - CSP1 The Growth Network
  - CSP4 Place Making
  - EMP1 Providing for Economic Growth
  - CEN1 The Importance of the Black Country Centres for Regeneration
  - CEN2 Hierarchy of Centres
  - CEN3 Growth in Strategic Centres
  - CEN 5 District and Local Centres
  - CEN6 Meeting Local Needs for Shopping and Services
  - CEN7 Controlling Out-of-Centre Development
  - TRAN2 Managing Transport Impact of New Development
  - TRAN4 Creating Coherent Networks for Cycling and for Walking
  - ENV1 Nature Conservation
  - ENV2 Historic Character and Local Distinctiveness
  - ENV3 Design Quality
- 5.2 Wolverhampton's Unitary Development Plan (UDP)
  - D3 Urban Structure
  - D4 Urban Grain
  - D6 Townscape and Landscape
  - D7 Scale - Height
  - D8 Scale - Massing
  - D9 Appearance
  - D10 Community Safety

D11	Access for People with Disabilities
C3	Community Meeting Places
AM12	Parking and Servicing Provision
AM15	Road Safety and Personal Security
N9	Protection of Wildlife Species

Other relevant policies

- 5.3
- |       |  |
|-------|--|
| PPS1  | Delivering Sustainable Development       |
| PPS4  | Planning for Sustainable Economic Growth |
| PPG13 | Transport                                |

**6. Environmental Impact Assessment Regulations**

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 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 Three objection letters have been received and one petition notice submitted against the proposal with 1284 signatures.
- Lack of evidence to assess the appropriateness of the site against national and local planning policy
  - Insufficient information to demonstrate future impact of the proposed development on traffic and transport
  - Effect of the proposal on the living conditions of residents
  - Proposed opening times inadequate in a residential area
  - Contrary to Wolverhampton's Unitary Development Plan
  - Inadequate evidence to meet policy C3 of Wolverhampton's UDP
  - Increase in litter, noise and disturbance
  - Increase in antisocial behaviour
- 7.2 After these comments the applicant has provided evidence to address national and local planning policy and submitted amended plans.

**8. Internal consultees**

- 8.1 **Planning Policy** - No objection in principle, subject to assessment of submissions awaited in respect of Policy CEN7 'Controlling Out Of Centre Development' on the 'sequential test' and on the likely impact of the proposed store on any nearby existing centres showing that any impact will not be significant.  
Recommend that a condition be imposed on any consent setting a maximum gross internal area of 365sqm and a maximum net retail sales area of 263m<sup>2</sup>.
- 8.2 **Landscape & Ecology** – The submitted Daytime Bat Assessment acceptable. No objections subject to the following conditions:
- Landscaping details
  - Hardscaping details

- 8.3 **Environmental Services** - No objections subject to the following conditions:
- Construction Method Statement
  - Noise Assessment rising from chillers, compressors, condensers and any other fixed plant and machinery.
  - Fixed plant and machinery should be designed to achieve a minimum of 3Db above the existing background noise levels.
  - Attenuation of noise to ensure that noise does not give rise to a loss of amenity at neighbouring residential property.
  - Deliveries and collection of goods shall only be carried out during the following hours:
    - 0800 to 1800 hours Monday to Friday
    - 0800 to 1300 hours on Saturdays
    - At no times on Sundays or Bank Holidays
  - Lighting shall comply with the requirements of the Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
  - Hours of operation during construction/demolition shall only be carried out during the following hours:
    - 0800 to 1800 hours Monday to Friday
    - 0800 to 1300 hours on Saturdays
    - At no times on Sundays or Bank Holidays
  - Ventilation/odour/cold storage condenser control system details.
  - Bin store details
- 8.4 **Urban Design** – No objections. However, the public house is a building of local interest worthy of retention and restoration if possible. Further comments regarding sitting and design of the new building were forwarded to the applicant. Amended plans had been received addressing most of these comments.
- 8.5 **Transportation Development** – No objections subject to the following conditions:
- Servicing Management Plan (to include servicing hours)
  - Vehicle size limit
  - Satisfactory visibility splays to be indicated on an amended plan or conditioned

## 9. **Legal Implications**

- 9.1 1 Section 6 above refers to the 2011 Environmental Impact Assessment Regulations which came into force on 24 August 2011. These Regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the 1999 Regulations”) and subsequent amended instruments (KR/16122011/K)

## 10. **Appraisal**

- 10.1 The key issues are: -
- Regenerative Benefits
  - Principle of the development & Economic Development
  - Design, Siting and Layout
  - Access and parking
  - Impact on residential amenities
  - Loss of existing building
  - Ecology



### Regenerative Benefits

10.2 The building was purchased by the applicant in 2006, the Public House ceased trading two years prior to purchase and has been empty since. Following its closure it has suffered severe fire damage and vandalism. Consequently, the building has become an eyesore and detracts from the character and appearance of the surrounding area. Therefore, there is an urgent need for the site's regeneration.

10.3 The principle of demolishing and erecting a new convenience store, creating jobs and bringing investment into the city, is therefore welcomed.

### Loss of community meeting place and potential retail impact:

10.4 The application provides evidence that there is no longer a need for the facility. Evidence to demonstrate that there are no other existing facilities in reasonably accessible locations have not been submitted. However, after further research, it is concluded that there are other existing facilities in reasonably close proximity to the application site. Therefore, the loss of the public house is acceptable and would comply with policy C3 of the adopted UDP.

10.5 As the proposal is over 200sqm gross and in an out-of-centre location, then Policy CEN7 of the adopted Black Country Core Strategy requires that the full PPS4 impact tests to be carried out (Policies EC10 and EC16) in addition to a sequential test in accordance with policy EC15.

10.6 The information so far submitted in respect of the 'sequential and impact assessment' indicates that the proposed retail development would not have a detrimental impact on the vitality and viability of existing nearby centres. However a more detailed assessment in this respect has been requested and will be reported on at Committee if received by then.

### Design, Siting and Layout

10.7 The proposed building would have a traditional design in brick, with a pitched tiled roof in keeping with the surrounding area.

10.8 The building would occupy almost the same footprint as the former public house; it would also be set back from the road with parking provision allocated towards the front following precedence of the siting of the former public house.

10.9 The proposed building would mainly front onto the Willenhall Road. It is important that in such a location, the building is positioned to create an appropriate streetscape. The proposed building respects the existing building line and reinforces a sense of enclosure to the street.

10.10 The main entrance of the proposed building is framed by two columns and a gabled roof. It directly faces onto the main road.

10.11 Details of boundary treatments have been submitted. However, a condition for further detailed information would be required.

10.12 Some hard standing and landscaping details have been provided however; more detailed information would be required by condition.

10.13 Bin store details have not been provided. This can also be required by condition.

### Access and parking

10.14 The proposed parking and access arrangements are generally acceptable. The proposal includes parking to the front of the building to provide seventeen spaces. This level of parking is considered appropriate to meet anticipated demand.

- 10.15 Satisfactory visibility splays can be achieved at the main access onto Willenhall Road. However, alterations to a boundary wall would be required to achieve safe visibility onto Poplar Road this can be required by condition.
- 10.16 An area to the side of the building has been identified for delivery and refuse vehicles to unload/load and it has been demonstrated that there is adequate manoeuvrability space to enable vehicles to enter and exit the site in a forward gear.
- 10.17 Cycle storage is provided towards the side of the building in close proximity to the entrance. However, additional details with regards to its height and appearance have not been submitted. This can be required by condition.

#### Impact on residential amenities

- 10.18 The application has generated significant public interest. Objections have been made on grounds that the proposal would have a detrimental effect on the living conditions of residents, contrary to local and national policies, parking and increase in traffic, increase noise, litter and disturbance and increase in antisocial behaviour.
- 10.19 A transport statement is provided by the applicant to establish the likely impact of the proposal in respect of traffic and parking. The proposal satisfactorily addressed these concerns. Please refer to access and parking section above (paragraphs 10.14 to 10.18)
- 10.20 The use of the proposed building would be conditioned to be 0800 to 1800 hours Monday to Friday; 0800 to 1300 hours on Saturdays and at no times on Sundays or Bank Holidays. These are considered reasonable in respect of the use so that it would not adversely affect neighbour amenity to an unacceptable degree by reason of undue noise or disturbance in accordance with policy EP5.

#### 10.21 Loss of the existing building

The existing building is of an attractive traditional brick construction with steeply pitched roof in plain clay tiles. As such it represents a quality and design which is increasingly rare and until its recent dilapidation, contributed significantly to the street scene. It is not however listed or within a conservation area and its condition now is an eyesore and considered to be beyond reasonable economic recovery.

#### Ecology

- 10.22 The application was supported by a bat survey. This concluded that there was no evidence of occupation or potential for roosting or resting bats.

## **11. Conclusion**

- 11.1 The application site has been vacant for more than six years. The building has suffered significant damage and vandalism and has become a serious eyesore with large parts of the roof missing and litter and rubbish have accumulated on the site. The site is therefore in urgent need of regeneration. The use of the site for a convenience store would have a significantly positive impact on the immediate area. The proposal satisfies UDP policies D7, D8, D9 and BCCS policies ENV2 and ENV3.
- 11.2 The proposed retail development has demonstrated that there would not be a detrimental impact on the vitality and viability of the Bilston Local Centre in accordance with UDP policies SH4 and BCCS policies CEN5 and CEN7 and national policy PPS6.
- 11.3 It is noted that there is no local need for the facility and there are alternative facilities which are available in the locality in accordance with UDP Policy C3.

- 11.4 The layout of the building is considered to be an appropriate form of development, which takes into account the characteristics of the site and the surrounding road network. The disposition and siting of the proposed development is generally acceptable as it would follow the existing building line and its appearance would be in keeping with the character of the area. This is in accordance with policies D4, D6, D7, D8 and D9.
- 11.5 The access and parking arrangements are satisfactory and would accord with UDP policies AM4, AM5, AM12, AM15 and BCCS policy TRAN2.
- 11.6 The proposal has satisfactorily addressed any ecology issues and would accord with UDP policy N9 and BCCS policy ENV1.

## **12. Recommendation**

12.1 That the Interim Director of Education and Enterprise be given delegated authority subject to receipt of satisfactory information in respect of the sequential and impact aspects required by BCCS Policy CEN7, to grant planning application 11/00871 subject to the following conditions:

- Materials
- Architectural details
- Landscaping
- Boundary Treatment
- Bin store details
- Hours of operation
- Measures to reduce impact of construction on residents
- Lighting details
- Landscaping details
- Hard standing details
- Servicing Management Plan (to include servicing hours)
- Vehicle size limit
- Max limit on Net Retail floorspace of 365sqm and a maximum net retail sales area of 263m<sup>2</sup>.
- Cycle store details
- Construction Method Statement
- Noise Assessment
- Fixed plant and machinery should be designed to achieve a minimum of 3Db above the existing background noise levels.
- Attenuation of noise.
- Ventilation/odour/cold storage condenser control system details.
- Visibility splay and alterations to boundary wall

**Case Officer : Ms Marcela Quiñones**

**Telephone No : 01902 555607**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00831/FUL**

Location	The Hustler Public House, Willenhall Road, Bilston, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395641 297043
Plan Printed	19.12.2011	Application Site Area	1537m <sup>2</sup>



existing S106, variation of conditions , 8, 17, 21, 39, 42, 46, 47, 48, 49 and 50 and any relevant conditions from 09/00896/VV.

- 3.2 09/00896/VV to 'vary' ten of the conditions on 05/2027/OP. Granted 31st March 2010. The application allowed for an increase in the first phase of development, which would be accessed from Wobaston Road, from the permitted 15,000sq.m. to 50,000sq.m., as a means of encouraging early interest from prospective occupiers and investors.
- 3.3 05/2027/OP - Outline permission for use as a strategic employment area, comprising offices, workspaces, industrial units, education and research, hotel, ancillary services, open space and associated highways, footpaths and landscaping. Granted on 28<sup>th</sup> March 2007, with all matters of detail reserved for subsequent approval.
- 3.4 05/2026/FP – Site preparation works comprising ground remediation, excavation to create development plots, provision of infrastructure and landscaping. Granted 5 July 2006.

#### **4. Constraints**

- 4.1 Authorised Process  
Conservation Area  
Landfill Gas Zones  
Millennium Urban Forest  
Junction Improvement Scheme - The Drove way and Wobaston Rd  
Sites and Monuments  
Defined Business Area

#### **5. Relevant Policies**

- The Development Plan
- 5.1 Black Country Core Strategy (BCCS)
  - CSP3 Environmental Infrastructure
  - CSP4 Place Making
  - ENV1 Nature Conservation
  - ENV2 Historic Character and Local Distinctiveness
  - ENV3 Design Quality
  - ENV4 Canals
- 5.2 Wolverhampton's Unitary Development Plan
  - D6 Townscape and Landscape
  - D9 Appearance
  - D12 Nature Conservation and Natural Features
  - HE1 Preservation of Local Character and Distinctiveness
  - HE3 Preservation and Enhancement of Conservation Areas
  - HE4 Proposals Affecting a Conservation Area
  - N1 Promotion of Nature Conservation
- Other relevant Policy Documents
- 5.3 PPS1 Delivering Sustainable Development
- 5.4 Regional Spatial Strategy Policies
  - PA7 Regional Investment Sites
  - PA8 Major Investment Sites
- 5.5 South Staffordshire Local Plan (1996)
  - E1 Premium Sites

- GB4 Long Term Development Needs
- GB5 Land Safeguarded Under Policy GB4

- 5.6 Staffordshire and Stoke on Trent Structure Plan (1996)
  - E5 Major Investment Site

## **6. Environmental Impact Assessment Regulations**

- 6.1 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, an acceptable Environmental Impact Assessment was submitted with the outline applications to redevelop the land for use as a strategic employment site. That environmental information is adequate to assess the environmental implications of the proposals. It describes the environmental impact of the development proposals and shows how potentially adverse impacts have been addressed in the planning and design of the scheme. It also highlights environmental benefits and environmental enhancement proposals included in the scheme.

## **7. Neighbour Notification and Publicity**

- 7.1 No representations received.

## **8. Internal Consultees**

- 8.1 **Landscape** – No objections.

## **9. Legal Implications**

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application "for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted". On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission.
- 9.3 In addition to the general implications set out at the beginning of the schedule of planning applications, the Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 ("the Habitat Regulations") and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those

functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981

- 9.4 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that 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.
- 9.5 In addition, Badgers are protected under the Protection of Badgers Act 1992. Disturbing a badger set, adversely affecting foraging territory or links between them or significantly increasing the risk of road or rail casualties are capable of being material planning considerations.
- 9.6 Ecology surveys have been carried out and it has been demonstrated that there would be no adverse impact on protected species.
- 9.7 When an application is situate 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 and further should have regard to any representations ensuing from the publicity required under S73 of the Act [LC/19122011/B].

## **10. Appraisal**

- 10.1 The key issues are the impact on visual amenity, nature conservation and the Staffordshire and Worcestershire Canal Conservation Area.
- 10.2 The landscaping creates an attractive setting for the i54 site and the Staffordshire and Worcestershire Canal Conservation Area and the use of native species provides wildlife habitat. The submitted ecology study demonstrates that the proposals would not have a detrimental impact on wildlife and protected species.
- 10.3 The proposed scheme would attractively landscape the i54 site and provide a suitable setting for the Staffordshire and Worcestershire Canal Conservation Area. The use of native species would provide wildlife habitat. The proposal is acceptable and in accordance with UDP policies D6, D9, D12, HE1, HE4 and N1 and BCCS policies ENV1, ENV2 CSP3, CSP4, ENV1, ENV2, ENV3.

## **11. Conclusion**

- 11.1 The landscaping details are acceptable and provide appropriate wildlife habitat, such that the impact on wildlife and protected species would be acceptable and in accordance with the Development Plan.



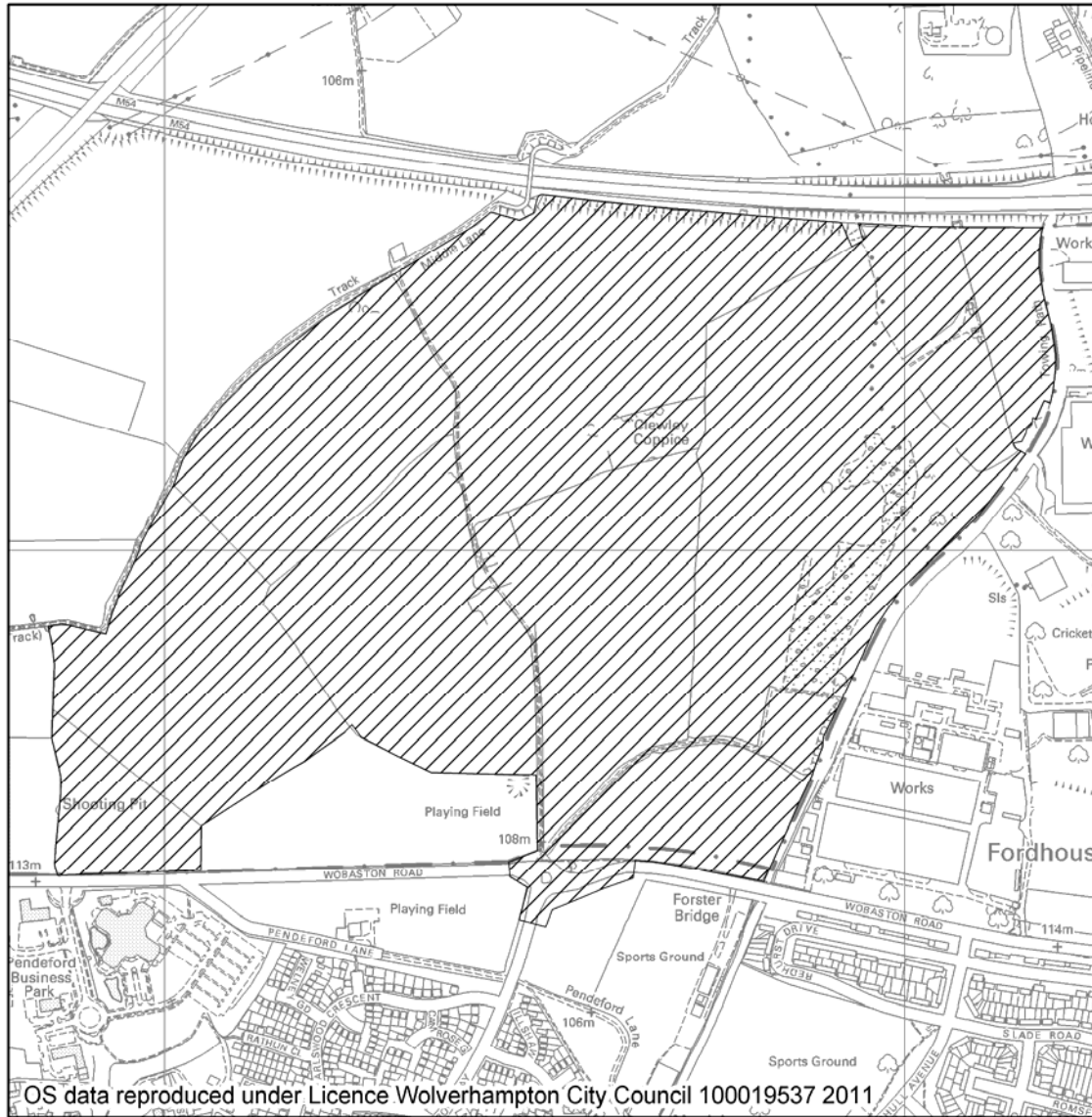
**12. Recommendation**

- 12.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 11/01090/VV subject to:
- (iii) No overriding objections from outstanding consultees
  - (iv) Variation of conditions 7 and 10
  - (v) Any relevant conditions from 05/2026/FP/M.

**Case Officer : Mr Phillip Walker**

**Telephone No : 01902 555632**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/01090/VV**

Location	I54. Land Bounded By The Staffordshire And Worcester Canal And, Wobaston Road, Wolverhampton,		
Plan Scale (approx)	1:10000	National Grid Reference	SJ 390819 303552
Plan Printed	19.12.2011	Application Site Area	857478m <sup>2</sup>



### South elevation

- Minor amendments to the rhythm of door, window, louvre and spandrel panels
- Doors added to end of discovery wing for means of escape
- Change from curtain walling to punched windows due to existing structural issues
- Ventilation louvres added to the Sports Hall façade

2.2 The proposed development comprises a three storey, oval shaped extension on the northern end of the building, facing onto the access from Ecclestone Road. This would provide a new main entrance and theatre. At the southern end, a new sports hall is proposed. The existing detached building to the east would be linked to the main building and the link would provide the community access to the sports facilities. An external courtyard would be created towards the south of the building

### **3. Planning History**

3.1 Land adjacent - 10/00537/FUL – Oak Meadow Primary School – New school building – Granted 22 September 2010

3.2 10/01106/FUL - Improvements to existing school, comprising the erection of new teaching facilities, Sports Hall and Theatre, refurbishment of existing school facilities, associated outdoor sports and play facilities, car parking and landscaping works – Granted 25.01.11

### **4. Constraints**

4.1 Millennium Urban Forest  
Mining Area

### **5. Relevant Policies**

#### The Development Plan

5.1 Black Country Core Strategy

CSP1	The Growth Network
CSP3	Environmental Infrastructure
CSP4	Place Making
CSP5	Transport Strategy
EMP1	Providing for Economic Growth
EMP5	Improving Access to the Labour Market
TRAN1	Priorities for the Development of the Transport Network
TRAN2	Managing Transport Impacts of New Development
TRAN4	Creating Coherent Networks for Cycle and for Walking
TRAN5	Influencing the Demand for Travel and Travel Choices
ENV3	Design Quality
ENV5	Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV6	Open space, Sport and Recreation
ENV7	Renewable Energy
ENV8	Air Quality
HOU5	Education and Health Care facilities
WM5	Resource Management and New Development

#### Wolverhampton's Unitary Development Plan

AM12	Parking and Servicing Provision
AM15	Road Safety and Personal Security
C1	Health, Education and Other Community Services
D3	Urban Structure

D4	Urban Grain
D5	Public Realm Public Open Private Space
D6	Townscape and Landscape
D7	Scale - Height
D8	Scale - Massing
D9	Appearance
D10	Community Safety
D12	Nature Conservation and Natural Features
D13	Sustainable Development (Natural Resources and Energy Use)
D14	The Provision of Public Art
EP4	Light Pollution
EP5	Noise Pollution
EP6	Protection of Ground Water, Watercourses, Canals
EP7	Protection of Floodplains
EP9	Sustainable Drainage Arrangements for Development
EP16	Energy Conservation (Part 1)
EP17	Renewable Energy
N1	Promotion of Nature Conservation
N7	The Urban Forest
N9	Protection of Wildlife Species
R3	Protection of Open Space, Sport and Recreation
R5	Sports Grounds
R8	Dual-Use of Open Space, Sport and Recreation

## 5.2 Regional Spatial Strategies

### Other relevant policies

- 5.3 PPS1 – Delivering Sustainable Development  
 PPS9 Biodiversity and Geological Conservation  
 PPG13 Transport  
 PPG17 Planning for Open Space, Sport and Recreation

## 6. **Internal Consultees**

- 6.1 **Environmental Health** – The noise report should include all plant and machinery.

## 7. **Environmental Impact Assessment Regulations**

- 7.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 7.2 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 and case law.

## 8. **Publicity**

- 8.1 No objections received

## **9. Legal Implications**

9.1 General legal implications are set out at the beginning of the schedule of planning applications. [LD/14122011/Y]

## **10. Appraisal**

10.1 The key issue is impact of the proposed changes on visual and residential amenity.

10.2 The changes to the external appearance are minor but cumulatively across the site have a material visual impact. The proposed changes would still ensure a high quality external appearance in accordance with UDP policy D9.

10.3 The relocation of the biomass flue would be 12m further away from neighbouring dwellings and would be at the same height as approved. This would not result in any adverse impact on neighbour's amenity.

10.4 The proposed air conditioning units on the roof would affect the visual appearance of the west elevation. This is the side closest to neighbour dwellings but at a distance of 40m. This would not affect residents provided a condition which requires a noise report and mitigation measures to prevent noise disturbance to residents is imposed in accordance with policy EP5.

## **11. Conclusion**

11.1 The proposed changes to the original permission are very minor in relation to the scheme as a whole. There would be no adverse impact on its surroundings in terms of visual impact including local residents and therefore the proposal is acceptable and in accordance with the development plan.

## **12. Recommendation**

12.1 That planning application 11/00762/VV be granted subject to the following conditions:

- Noise report and mitigation (all plant and machinery including air conditioning units)
- Any other relevant conditions from the original permission.

**Case Officer : Ms Jenny Davies**

**Telephone No : 01902 555608**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00762/VV**

Location	Coppice Performing Arts School, Ecclestone Road, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 396436 301529
Plan Printed	19.12.2011	Application Site Area	80683m <sup>2</sup>

## **PLANNING COMMITTEE - 03-Jan-12**

**APP NO:** 11/00822/FUL

**WARD:** Bilston East

**DATE:** 18-Oct-11

**TARGET DATE:** 17-Jan-12

**RECEIVED:** 23.08.2011

**APP TYPE:** Full Application

**SITE:** Clearance Bed Warehouse, Unit 1, Ice House Industrial Estate, 148 Oxford Street

**PROPOSAL:** Change of use from furniture warehouse clearance to repairs, servicing and vehicle dismantling (Amended Proposal)

**APPLICANT:**

Bilston Motor Works  
148 Oxford Street  
Wolverhampton  
WV14 7DP

**AGENT:**

Mr Ian Lewis  
Lewis Architecture Limited  
East Wing Wrottesley Hall Holyhead Road  
Codsall  
Wolverhampton  
WV8 2HT

### COMMITTEE REPORT:

#### **1. Introduction**

1.1 This application was deferred by Planning Committee on 6<sup>th</sup> December for a site visit.

#### **2. Site Description**

2.1 The application site is located approximately 0.5 miles to the south of Bilston Town Centre.

2.2 The site was formerly a retail warehouse and is now in the use applied for. There is a small car parking forecourt and an open yard to the rear. The site is surrounded by commercial development.

2.3 Vehicular access is from Oxford Street.

#### **3. Application Details**

3.1 The application proposes to change the use of the site from a retail warehouse to vehicle repairs and servicing and end of life vehicle dismantling (Sui Generis Use).

3.2 Some of the vehicles to be dismantled would arrive on trailers and others would be driven to the premises by customers or staff. Vehicles would be stored and dismantled within the rear yard. The maximum height of external storage would be 2.5 metres from ground level.

3.3 Vehicles parts would be stored within the building. Some repair and servicing work to vehicles would also take place within the building.



- 3.4 Eight car parking spaces are proposed. No changes to the existing access arrangements are proposed.
- 3.5 The business has relocated to the application site and three jobs have been secured.
- 3.6 The operational hours proposed are 09.00 to 17.30 Monday to Friday and 9.30 to 13.30 on Saturdays, with no operation on Sundays or Bank Holidays

#### 4. **Constraints**

- 4.1 Authorised Processes
  - Coal
  - Mineral Safeguarding Area
  - Retained for Employment

#### 5. **Relevant Policies**

##### The Development Plan

- 5.1 Black Country Core Strategy (BCCS)
  - CSP4 Place Making
  - CSP5 Transport Strategy
  - EMP1 Providing for Economic Growth
  - EMP2 Actual and Potential Strategic High Quality Employment Areas
  - EMP4 Maintaining a Supply of Readily Available Land
  - EMP5 Improving Access to the Labour Market
  - TRAN2 Managing Transport Impacts of New Development
  - ENV3 Design Quality
  - WM1 Sustainable Waste and Resource Management
  - WM2 Protecting and Enhancing Existing Waste Management Capacity
  - WM3 Strategic Waste Management Proposals
  - WM4 Locational Considerations for New Waste Management Facilities
  - WM5 Resource Management and New Development
- 5.2 Wolverhampton's Unitary Development Plan
  - D6 Townscape and Landscape
  - D9 Appearance
  - D11 Access for People with Disabilities (Part I)
  - EP1 Pollution Control
  - EP4 Light Pollution
  - EP5 Noise Pollution
  - EP9 Sustainable Drainage Arrangements for Development
  - HE1 Preservation of Local Character and Distinctiveness
  - B5 Design Standards for Employment Standards
  - B11 Ancillary Uses in Employment Areas and Premises
  - AM12 Parking and Servicing Provision
  - AM15 Road Safety and Personal Security

##### Other relevant Policy Documents

- 5.3
  - PPS1 Delivering Sustainable Development
  - PPS4 Planning for Sustainable Economic Growth
  - PPG13 Transport
  - PPS23 Planning and Pollution Control
  - PPG24 Planning and Noise
- 5.4 Wolverhampton's Supplementary Documents
  - SPG1 Business, Industrial and Warehouse Development

## **6. Environmental Impact Assessment Regulations**

- 6.1 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 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 No representations received.

## **8. Internal Consultees**

- 8.1 **Transportation Development** – No objections.
- 8.2 **Environmental Services** – No objection subject to a condition requiring measures to minimise dust, grit, fume gas or mist.

## **9. External Consultees**

- 9.1 **Environment Agency** – No objections.

## **10. Legal Implications**

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/14122011/D).

## **11. Appraisal**

- 11.1 The key issues are:
- Economic development
  - Principle of the proposed use
  - Environmental implications
  - Access and parking
  - Waste management

### Economic development

- 11.2 The BCCS envisages and supports the creation of an economically prosperous Black Country.
- 11.3 The development proposals would secure the retention of three existing jobs. The proposals accord with the aims of the BCCS.

### Principle of the proposed use

- 11.4 The BCCS identifies the site as being located within a Potential Strategic High Quality Employment Area (PSHQE), where in accordance with policy EMP3 high quality B class uses will be promoted and development which would prejudice quality, dilute employment use or deter investment will be discouraged. The policy states that

employment generating non-B Class uses will only be permitted in PSHQE areas where they can be shown to support, maintain or enhance the business and employment function of the area.

- 11.5 Car breaking and car repairs are non Class B uses which would not generally be appropriate in a PSHQE. However, this is a relatively small site, the buildings fronting Oxford Street are to be retained, and the proposed operations would be carried out either within the building or in the rear yard where they would not be visible from Oxford Street. On that basis the use would not prejudice quality, dilute employment use or deter investment in the area and so the proposal is in accordance with policy EMP3.

#### Environmental implications

- 11.6 The facility would be subject to the licensing conditions imposed by the Environment Agency and these would include restrictions on the amount of waste that can be processed at the site. The Environment Agency has powers to carry out enforcement action whenever licensing conditions are breached.
- 11.7 The nearest dwellings are 50 metres away on Great Bridge Road and on the other side of Oxford Street. Given this distance, the nature of the proposed operation, the intervening highway and commercial buildings and subject to the recommended conditions, the proposal would not have an unacceptable impact on visual or residential amenity.
- 11.8 The proposal would be in accordance with UDP policies EP1, EP5, D6 and D9 and BCCS policies WM2, WM4, CSP4 and ENV3.

#### Access and parking

- 11.9 An adequate number of parking spaces and satisfactory access arrangements are proposed, in accordance with UDP policies AM12, AM15 and BCCS policy TRAN2.

## **12. Conclusion**

- 12.1 The proposals involve the relocation of an existing business and three jobs have been secured. The proposed uses would be acceptable at this location and the implications for neighbour amenity, parking and access would be satisfactory. Subject to the imposition of the recommended conditions, the proposal is acceptable and in accordance with the development plan.

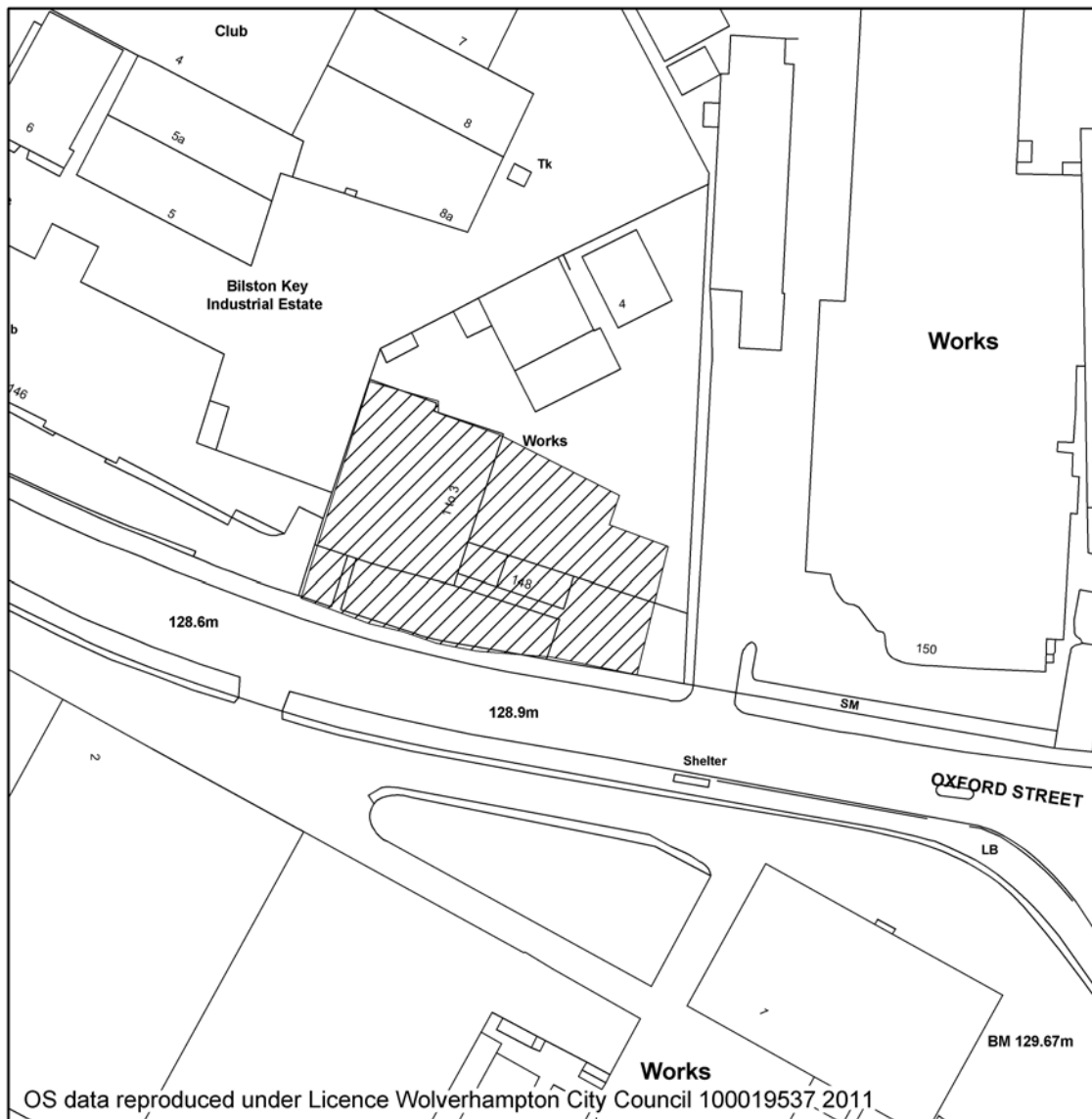
## **13. Recommendation**

- 13.1 That planning application 11/00822/FUL be granted subject to any necessary conditions including;
- Drainage
  - Parking to be provided and retained
  - Limit the height of storage in rear yard to no more than 2.5 metres
  - No servicing, repairs, dismantling or storage on the forecourt
  - Hours of operation to be 09.00 to 17.30 Monday to Friday and 9.30 to 13.30 on Saturdays. No Sunday or Bank Holiday opening.
  - Measures to minimise dust, grit, fume gas or mist.

**Case Officer : Mr Phillip Walker**

**Telephone No : 01902 555632**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00822/FUL**

Location	Clearance Bed Warehouse, Unit 1, Ice House Industrial Estate, 148 Oxford Street		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 396070 295903
Plan Printed	19.12.2011	Application Site Area	1895m <sup>2</sup>

## **PLANNING COMMITTEE - 03-Jan-12**

**APP NO:** 11/00538/FUL

**WARD:** Heath Town

**DATE:** 01-Sep-11

**TARGET DATE:** 27-Oct-11

**RECEIVED:** 31.05.2011

**APP TYPE:** Full Application

**SITE:** Land Adjacent, 6 Lawrence Avenue, Heath Town, Wolverhampton

**PROPOSAL:** Erection of a detached four bedroom dwelling and detached garage.

**APPLICANT:**

Mr Stewart Malcolm  
43 Colman Avenue  
Wolverhampton  
WV11 3RT

**AGENT:**

Mr David Leadbetter  
Planning 2 Detail Ltd  
B.V.I.C  
Central Boulevard  
Solihull  
B90 8AJ

### COMMITTEE REPORT:

#### **1. Introduction**

- 1.1 This application was previously presented to planning committee, at the meeting on 6 December, where it was deferred for a members site visit.

#### **2. Site Description**

- 2.1 The application site comprises of a vacant piece of land, which currently forms part of the side garden to the existing residential property at 6 Lawrence Avenue. The site is roughly rectangular in shape and extends to 0.18 hectares. The surrounding area is predominantly residential.
- 2.2 Immediately to the east of the site there is an existing pair of semi detached properties, fronting Lawrence Avenue. To the west there is an existing shop fronting Prestwood Lane, for which there is a separate planning application proposing the demolition of the shop and the erection of detached three bedroom dwelling (Application Ref No: 11/00539/FUL), and immediately adjacent to the shop there are pair of Victorian semi detached properties, fronting Prestwood Lane. Heath Town Park is located immediately to the rear of the site.

#### **3. Application details**

- 3.1 The application proposes the erection of a detached four bedroom dwelling and detached garage. The proposed dwelling has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line.
- 3.2 The proposed dwelling has been designed to be in keeping with the neighbouring properties, incorporating a double fronted elevation incorporating two bay windows on the ground floor. The dwelling has been designed to mirror the footprint of neighbouring properties, and has no side windows, to prevent any overlooking upon

neighbours. Parking is provided via a detached garage located to the west of the site via a driveway, which would be accessed via Lawrence Avenue.

#### **4. Planning History**

11/00477/FUL for Two storey side extension,  
Granted, dated 01.08.2011.

#### **5. Constraints**

5.1 None relevant to the application site.

#### **6. Relevant policies**

##### The Development Plan

6.1 Wolverhampton's Unitary Development Plan  
AM12 - Parking and Servicing Provision  
D4 - Urban Grain  
D8 - Scale - Massing  
D9 - Appearance  
H6 - Design of Housing Development

##### Other relevant policies

6.2 PPS1 – Delivering Sustainable Development

6.3 Wolverhampton's Supplementary Documents  
SPG3 - Residential Development

6.4 Black Country Core Strategy (publication document Nov 2009).  
ENV3 - Design Quality  
CSP4 Place Making

#### **7. Environmental Impact Assessment Regulations**

7.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

7.2 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.

#### **8. Publicity**

8.1 One representation received objecting and requesting to speak on the following grounds:

- Overlooking
- Loss of privacy
- Loss of light
- Terracing effect

## **9. Internal consultees**

- 9.1 **Tree Officers** - No objections subject to retention of the red leaved Acer tree nearest to Lawrence Avenue to be retained and a condition on tree protection measures.
- 9.2 **Transportation Development** – No objections, subject to conditions on boundary treatment, visibility splays, and the internal dimensions of the garage to be increased to 5.5m x2.8m.
- 9.3 **Environmental Services** – No objections subject to conditions on operating hours during construction, acoustic windows, contaminated land and ventilation.

## **10. Legal Implications**

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 Section 7 above refers to the 2011 Environmental Impact Assessment Regulations which came into force on 24 August 2011. These regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulations 1999 (“The 1999 Regulations”) and subsequent amended instruments. The 1999 Regulations were referred to in the 6 December report (KR/16122011/C).

## **11. Appraisal**

- 11.1 The key issues are: -

Design & Street Scene  
Highways and Layout  
Neighbouring Amenity

### Design & Street Scene

- 11.2 The proposed dwelling is in keeping with neighbouring properties and those surrounding, with a similar massing height and design. The proposal has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line. The proposal would not project back behind the existing building line of the neighbouring property at 6 Lawrence Avenue.

### Highways and Layout

- 11.3 The dwelling has ample amenity to support the proposal and has adequate parking provided via the detached garage, and driveway, accessed off Lawrence Avenue. Highways have no objections to the proposal, subject to a condition on visibility splays, boundary treatment, and the proposed internal garage dimensions being increased to 5.5m x2.8m.

### Neighbouring Amenities

- 11.4 The proposed dwelling would have no direct impact on any of the neighbouring properties; there are no windows in the side elevation. There is sufficient distance between the proposed dwelling and neighbouring windows, and the proposal would not appear overly dominant or obtrusive. Existing Leylandi trees screen the neighbouring boundary with the property at 1b Prestwood Road, which is the neighbouring property to the west of the application site.

## **12. Conclusion**

- 12.1 It is considered that the proposed dwelling has been carefully designed taking into consideration the existing character and design of the surrounding properties. The garden space and parking area is sufficient enough to support the proposal, and there would be no significant detriment to neighbouring amenities, such as outlook, light, sunlight and privacy. It is therefore considered that the proposal complies with all the relevant development plan policies listed in section 6 of this report.

## **13. Recommendation**

- 13.1 That planning application 11/000538/FUL be granted, subject to any necessary conditions, including the following:

- Submission of Materials
- Sustainable Drainage
- Operating Hours during construction
- Acoustic Windows
- Ventilation
- Contaminated Land
- Visibility Splays
- The internal dimensions of the garage being increased to 5.5m x 2.8m.
- Submission of proposed landscaping and boundary treatments
- Retention of the red leaved Acer tree nearest to Lawrence Avenue
- Tree protection measures

**Case Officer : Ms Kiran Williams**

**Telephone No : 01902 551128**

**Head of Development Control & Building Control – Stephen Alexander**





**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00538/FUL**

Location	Land Adjacent, 6 Lawrence Avenue, Heath Town, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393237 299953
Plan Printed	19.12.2011	Application Site Area	357m <sup>2</sup>

## **PLANNING COMMITTEE - 03-Jan-12**

**APP NO:** 11/00539/FUL

**WARD:** Heath Town

**DATE:** 01-Sep-11

**TARGET DATE:** 27-Oct-11

**RECEIVED:** 01.06.2011

**APP TYPE:** Full Application

**SITE:** Shop South Corner Of Bushbury Road, Lawrence Avenue, Heath Town, Wolverhampton

**PROPOSAL:** Demolition of existing shop unit and erection of a detached three bedroom dwelling and detached garage.

**APPLICANT:**

Mr Stewart Malcolm  
43 Colman Avenue  
Wolverhampton  
WV11 3RT

**AGENT:**

Mr David Leadbetter  
Planning 2 Detail Ltd  
B.V.I.C  
Central Boulevard  
Solihull  
B90 8AJ

### COMMITTEE REPORT:

#### **1. Introduction**

- 1.1 This application was previously presented to planning committee, at the meeting on 6 December, where it was deferred for a members site visit.

#### **2. Site Description**

- 2.1 The application site comprises of an existing local convenience store, located on the south corner of the Bushbury Road and Lawrence Avenue. The site is roughly rectangular in shape, and the surrounding area is predominantly residential.
- 2.2 Immediately to the south of the site there is a pair of Victorian semi detached properties fronting Prestwood Road. To the rear of the site to the east, there is an existing property at 6 Lawrence Avenue, for which there is a separate planning application proposing the erection of a detached four bedroom dwelling and detached garage. (App Ref: 11/00538/FUL also on this agenda), on land forming the side garden of this property.

#### **3. Application details**

- 3.1 The application proposes the demolition of the existing shop unit and the erection of a detached three bedroom dwelling and detached garage to the rear. The proposed dwelling has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line.
- 3.2 The proposed dwelling has been designed to be in keeping with neighbouring properties, incorporating a downstairs front bay window, and has no side windows, to prevent any overlooking upon neighbours. Furthermore, the proposal has been designed to be sited on the exact footprint of the existing shop unit

#### **4. Planning History**

- 4.1 None relevant to the application site

#### **5. Relevant policies**

##### The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan  
AM12 - Parking and Servicing Provision  
D4 - Urban Grain  
D7 - Scale - Height  
D9 - Appearance  
D8 - Scale - Massing  
H6 - Design of Housing Development

##### Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development
- 5.3 Wolverhampton's Supplementary Documents  
SPG3 - Residential Development
- 5.4 Black Country Core Strategy (publication document Nov 2009).  
ENV3 - Design Quality  
CEN6 - Meeting Local Needs for Shopping and Services  
CSP4 – Place Making

#### **6. Environmental Impact Assessment Regulations**

- 6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 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 One representation received objecting and requesting to speak at planning committee on the following grounds:
- Overlooking
  - Loss of privacy
  - Loss of light
  - Terracing effect

#### **8. Internal consultees**

- 8.1 **Environmental Services** – No objections subject to conditions on operating hours during construction, acoustic windows, contaminated land and ventilation.
- 8.2 **Transportation Development** - No objections, subject to conditions on boundary treatment, visibility splays, the internal dimensions of the garage to be increased to

5.5m x2.8m, and access to the garage to be gained from the rear garden to encourage residents to use the garage and driveway for parking.

## **9. Legal Implications**

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 Section 6 above refers to the 2011 Environmental Impact Assessment Regulations which came into force on 24 August 2011. These Regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the 1999 Regulations”) and subsequent amended instruments. The 1999 Regulations were referred to in the 6 December report. (KR/16122011/M).

## **10. Appraisal**

- 10.1 The key issues are: -  
Principle of Development - Loss of a Local Shop  
Design & Street Scene  
Highways & Layout  
Neighbouring Amenity

### Principle of Development - Loss of a Local Shop

- 10.2 The proposed development would result in the loss of an existing convenience store. Policy CEN6 of the Black Country Core Strategy, seeks to protect local shops that provide an important service to a local area. Development involving the loss of a convenience shop will be resisted, where this would result in an increase in the number of people living more than a convenient, safe walking distance from alternative provision.
- 10.3 The agent has provided detailed evidence, identifying that there are approximately 17 convenience stores within reasonable walking distance (up to a ten minute walk) from the application site. Furthermore, due to the amount of convenience stores in close proximity to the application site, the agent has stated that the applicants are finding trading difficult in the current economic climate. And that over the past 6 years of advertising the application property for leasing only 4 prospective tenants viewed the property. None of the four prospective tenants returned for a second viewing or put forward an offer to lease the premises.

### Design & Street Scene

- 10.4 The proposed dwelling is in keeping with neighbouring properties and those surrounding, with a similar massing height and design. The proposal has been designed to mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line. The proposal has been designed to be in keeping with neighbouring properties, incorporating a downstairs front dormer window.

### Highways and Layout

- 10.5 The dwelling has ample garden and private amenity space to support the proposal and has ample parking to the rear of the property, provided by a detached garage, and driveway, accessed off Lawrence Avenue.

### Neighbouring Amenities

- 10.6 The proposed dwelling would have no direct impact on any of the neighbouring properties. There is sufficient distance between the proposed dwellings and neighbouring windows, and the proposal would not appear overly dominant or obtrusive. The neighbouring property at 1a Bushbury Road has one window, to the rear which faces the proposal. The window is however located 4.6m away from the proposed dwelling. The proposal has been built on the same foot print as the existing shop. Furthermore, there are no windows proposed, in the side elevations, to prevent any overlooking upon neighbours.

## **11. Conclusion**

- 11.1 The proposed principle of development has been adequately justified. It has been demonstrated that there are sufficient other small local convenience stores, within reasonable distance from the application site. And over the past 6 years of advertising the application property for leasing only 4 perspective tenants viewed the property, of which none returned for a second viewing or put forward an offer to lease the premises.
- 11.2 It is considered that the proposed dwelling has been carefully designed taking into consideration the existing character and design of the surrounding properties. The garden space and parking area is sufficient enough to support the proposal, and there would be no significant detriment to neighbouring amenities, such as outlook, light, sunlight and privacy. Furthermore, the proposal has been designed to the mirror the footprint of neighbouring properties, and has been set back in line with the existing street building line. It is therefore considered that the application complies with the relevant development plan documents, listed in Section 6 of the report.

## **12. Recommendation**

- 12.1 That planning application 11/000539/FUI be granted, subject to any necessary conditions including the following:
- Submission of materials
  - Sustainable Drainage
  - Operating Hours during construction
  - Acoustic Windows
  - Ventilation
  - Contaminated Land
  - Access to garage to be obtained from the rear garden
  - Submission of proposed landscaping and boundary treatment
  - The internal dimensions of the garage being increased to 5.5m x 2.8m.

**Case Officer : Ms Kiran Williams**

**Telephone No : 01902 551128**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00539/FUL**

Location	Shop South Corner Of Bushbury Road, Lawrence Avenue, Heath Town, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393190 299961
Plan Printed	19.12.2011	Application Site Area	301m <sup>2</sup>



## **5. Relevant Policies**

### The Development Plan

#### 5.1 Wolverhampton's Unitary Development Plan

AM12 - Parking and Servicing Provision  
AM15 - Road Safety and Personal Security  
D3 - Urban Structure  
D4 - Urban Grain  
D6 - Townscape and Landscape  
D7 - Scale - Height  
D9 - Appearance  
H6 - Design of Housing Development  
EP9 - Sustainable Drainage Arrangements for Development  
HE17 - Development Affecting the setting of a Listed Building

### Other relevant policies

#### 5.2 PPS1 – Delivering Sustainable Development PPG3 - Housing

#### 5.3 Wolverhampton's Supplementary Documents SPG3 - Residential Development

#### 5.4 Black Country Core Strategy CSP4 - Place Making ENV3 - Design Quality

## **6. Environmental Impact Assessment Regulations**

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application

6.2 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 Six representations received. Objections raised are

- Access
- Right of Way
- Affect on Listed building
- Condition of current right of way
- Demolition of the wall
- Loss of privacy
- Restricting views and light
- Loss of parking
- Hazard to emergency vehicles
- Increase of traffic



## **8. Internal Consultees**

8.1 **Landscape & Ecology** – Awaited

8.2 **Environmental Services** - No objections.

8.3 **Transportation Development** –

- Visibility from the proposed dwelling could be improved by using gates that only open inwards or use of a sliding gate.
- The garage be increased in size from 5.0 x 5.1m to 5.4 x 5.5m
- Permitted development rights removed for garage.
- Number of dwellings with access of this track already exceeds the recommended minimum. The right to use this track has not been conclusively demonstrated.

8.4 **Historic Environment Team** – No objections - Historically there was a building at this site, and a section of the original boundary wall, adjacent to the public footpath survives and is of historic interest, although it has no statutory protection as a heritage asset. The proposed access to the property would result in the loss of much of this wall.

8.5 Subject to the use of appropriate materials and detailing, the proposed development would not have any significant impact on the setting of the adjacent listed building. Details of the proposed entrance, wall and gates to be submitted for approval.

## **9. External Consultees**

9.1 **South Staff's District Council** – None received

## **10. Legal Implications**

10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/19122011/B)

## **11. Appraisal**

11.1 The key issues are: -

- Principle of Development
- Design
- Access and right of way
- Impact on Neighbours
- Impact on setting of listed building

11.2 Principle of Development

The application proposes a detached dwelling on land to the rear of number 71 Mill Lane. This property has a large garden which stretches to the north with the Dippons Court Lane. The application site slopes downwards and there is a glass outbuilding to the end of the garden.

11.3 The creation of an additional property on the garden land to the rear 71 Mill Lane needs to be assessed against the criteria set out in Planning Policy Statement 3 (June 2010, due to the development being set out on garden land) The Statement stipulates that "Previously- development land is that which is or was occupied by a permanent

structure including the curtilage of the development land and any associated fixed surface infrastructure”, the definition excludes:

- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings have not been previously developed.

11.4 There is evidence that shows that historically there was a property at this site in the past. The wall that runs along boundary with the Dippons Court Lane and adjacent to the application site is of some limited historic interest.

11.5 The plot is reasonably consistent in size and its layout with other properties within the vicinity and will not therefore detract from the established character of the locality.

11.6 Therefore, on balance it is considered that the principle of the development is acceptable, and compliant with UDP Policy D4, H6, BCCS, ENV3 and PPS3

11.7 Design

The proposal is to be built over three floors due to sloping ground level .The proposal is a three storey property to include a lower ground floor, ground floor and first floor and will consist of four bedrooms. The proposal faces the listed building and cottages on Dippons Court Lane which are set well back from the track. Number 51 Heather Cottage dates back to the late 17<sup>th</sup> Century and number 45 dates back to the 18<sup>th</sup> Century.

11.8 The proposed dwelling is of a simple traditional design and is considered to be in keeping with the properties surrounding the site. It will be constructed of red brick walls with a projecting brick base cill and header detailing. The facing gable includes stained timber and detailing and areas of painted render the widows will be timber. This design approach is considered to be appropriate and complaint with UDP Policy D4, D6, D7, D8, D9 and BCCS ENV3.

11.9 Access and Right of Way

The proposal is to create a new access from the lane which is a public right of way, already in use by several other properties as a vehicular access. It is an unadopted road with no public vehicular right of way. The Transportation Officer has recommended that the proposed gates to the dwelling open inwards which would improve safety and visibility at the entrance. Amended plans have now been received to show the change to the opening of the gates. The claim by the exiting residents that the applicant does not have any rights to use the roadway as a vehicular access is noted. Such disputes are essentially private matters which should not carry much weight as a material planning consideration, since they can ultimately only be fully resolved in a court of law. However given that existing dwellings take a similar vehicular access from the roadway and that there is historic evidence to suggest that a previous dwelling on the application site appears to have had a similar access, then on the balance of probability, a right of access is likely to exist. Therefore a planning refusal on this basis could not be recommended.

11.10 Impact on Neighbours amenity.

Given the location and separating distances involved, the scheme will not have a detrimental impact on other neighbouring properties in terms of loss of light or privacy. Nor will traffic from one dwelling add significantly to disturbance to any neighbour. The proposed dwelling will have its own two on-site parking (one in the garage) and turning area. The main issue in respect of the right of access to the dwelling from the Lane is dealt with at 11.9 above.

11.11 Impact on setting of the listed building.

Given the separating distances involved, the proposal will not have an impact on the Listed Cottages opposite, or their setting. The proposed plot and house will be in-character with the general street scene and set behind a boundary wall which, together with the roadway, effectively separates it from the listed building opposite.

**12. Conclusion**

12.1 The proposed plot is considered suitable in location and size for residential development of the scale and nature proposed. The layout and setting of the proposed dwelling would relate well with the properties along Dippons Court Lane and would provide sufficient distances between the existing and proposed dwelling. The design relates well to its surroundings and sits well within the street scene.

12.2 Subject to amended plans in respect of the access and certain restrictions including the removal of permitted development in relation to the garage it is considered that the proposed dwelling would be compliant with UDP Policies AM12, AM15 D3, D4, D6, D7, D9, H6, and EP9 HE17, PPS1, PPG3, SPG3, BCCS CP4, ENV3.

**13. Recommendation**

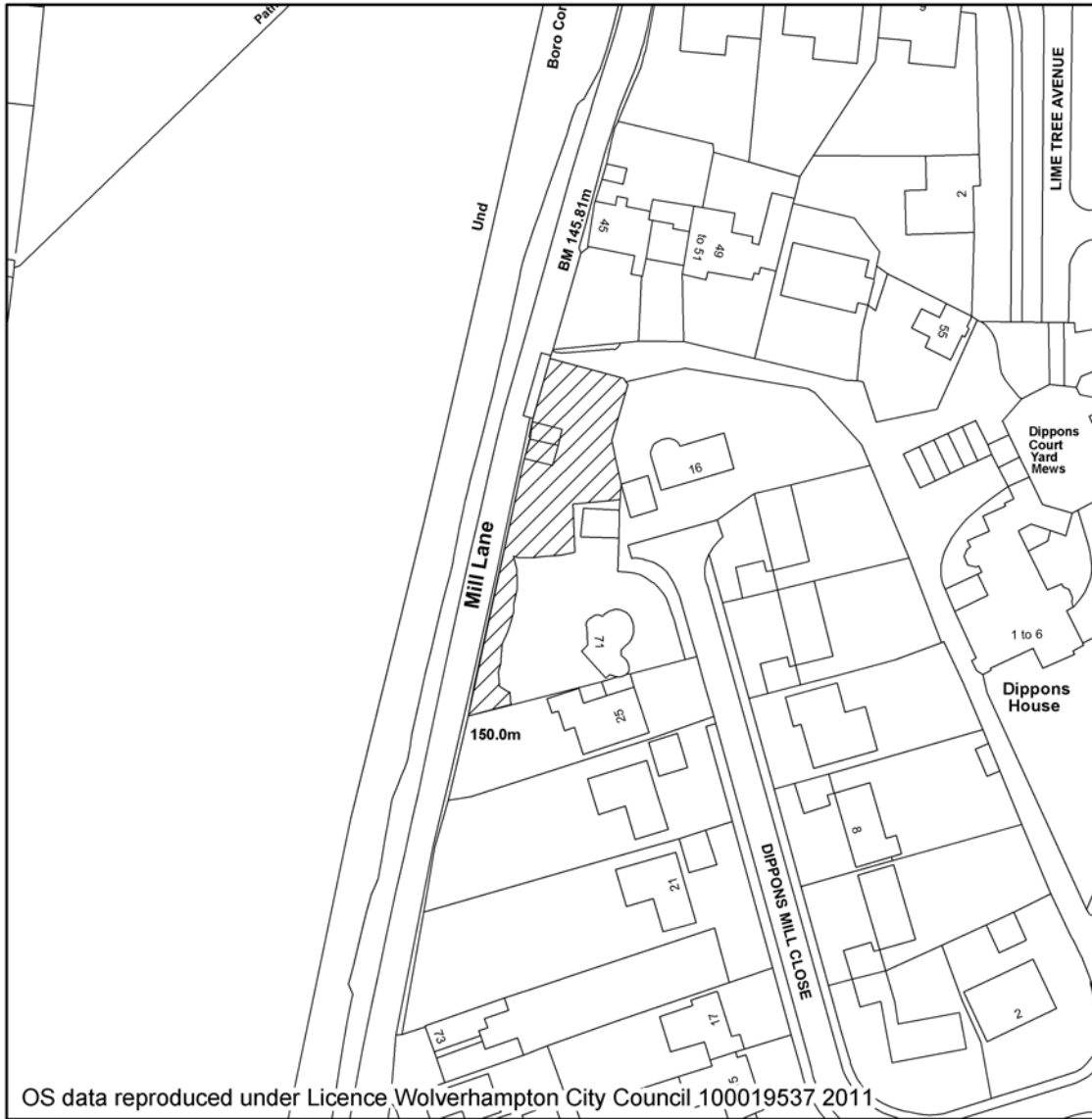
13.1 That planning application 11/00893/FUL is granted subject to conditions including;

- Materials
- Removal of pd rights in respect of the use of the garage
- Drainage details
- Vehicular access to be only from Dippons Court Lane as shown, remove permitted development rights to form any alternative access.

**Case Officer : Ms Nussarat Malik**

**Telephone No : 01902 550141**

**Head of Development Control & Building Control – Stephen Alexander**



**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/00893/FUL**

Location	Land To The Rear Of , 71 Mill Lane, Tettenhall Wood, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387339 299107
Plan Printed	20.12.2011	Application Site Area	542m <sup>2</sup>



2.3 The hours of delivery and collection of good and refuse were conditioned to occur only between the hours of 0800 – 1900 Monday to Saturday and at no time on Sundays or Bank and Public Holidays. The application proposes to vary the hours of delivery and collection of goods to 0700 – 1900 hours Monday to Saturday and 0800 – 1200 hours for Sundays and Bank or Public Holidays.

2.4 It is outlined in the supporting statement that the application has been made to improve the viability of the development. The permitted opening hours restrict the potential retailers who could theoretically occupy the unit and consequently limit the open market valuation of the building to a level which is not commercially viable.

### **3. Planning History**

3.1 10/01070/FUL for Demolition of existing garden centre building and erection of new retail building with associated car parking - Granted, dated 11.05.2011.

### **4. Constraints**

4.1 Mining Advice area

### **5. Relevant Policies**

The Development Plan  
5.1 Wolverhampton's Unitary Development Plan

EP1 – Pollution Control  
EP5 - Noise Pollution

Other relevant policies  
5.2 PPS1 – Delivering Sustainable Development

### **6. Environmental Impact Assessment Regulations**

6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

6.2 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 Four letters of representation were received and a petition containing 432 signatures. Objections were made on the following grounds;

- Area already well served with retail shops
- Out of character with residential area
- Increased traffic and congestion
- Increase noise disturbance
- The provision of a new supermarket would be detrimental to existing businesses.

## **8. Internal Consultees**

8.1 **Environmental Services** – Comments awaited.

## **9. Legal Implications**

9.1 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted”. On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission. [LC/16122011/A]

## **10. Appraisal**

10.1 The key issue to consider is the potential impact that the proposed variation of hours for opening and delivery/collection of goods would have on nearby residential amenity.

10.2 The proposed hours of opening would extend the existing permission by an hour, Monday to Saturday, this would not vary significantly from the hours already permitted. It is proposed that the Sunday hours of opening would be the same as Monday to Saturday.

10.3 The proposed hours of opening are not considered unreasonable taking into account the proximity of the site to the nearby Bradmore Local Centre and the similar uses and hours of opening for those businesses. Although there are residential properties in proximity to the site it is not considered that the hours proposed would result in an unacceptable increase in the levels of disturbance to the residential amenity that would have occurred under the already permitted hours of opening.

10.4 The proposed hours of delivery and collection of refuse are also considered reasonable as they would similarly not impact on residential amenity to an unacceptable degree compared to the hours already permitted. The shop unit is a relatively small one with the retail sales area not exceeding 260m<sup>2</sup> and should not therefore generate an undue number of deliveries.

10.5 The proposed variation of condition is therefore considered acceptable in respect of UDP policy EP1 and EP5 and would not adversely affect residential amenity to an unacceptable degree.

## **11. Conclusion**

11.1 The application to vary conditions increasing the hours of opening and delivery/collection of refuse are considered appropriate. The increase in hours proposed would not adversely affect residential amenity to an unacceptable degree and would be satisfactory in respect of UDP policy EP1 and EP5.

**12. Recommendation**

12.1 That the Director of Education and Enterprise be given delegated authority to grant planning application 11/01063/VV subject to:

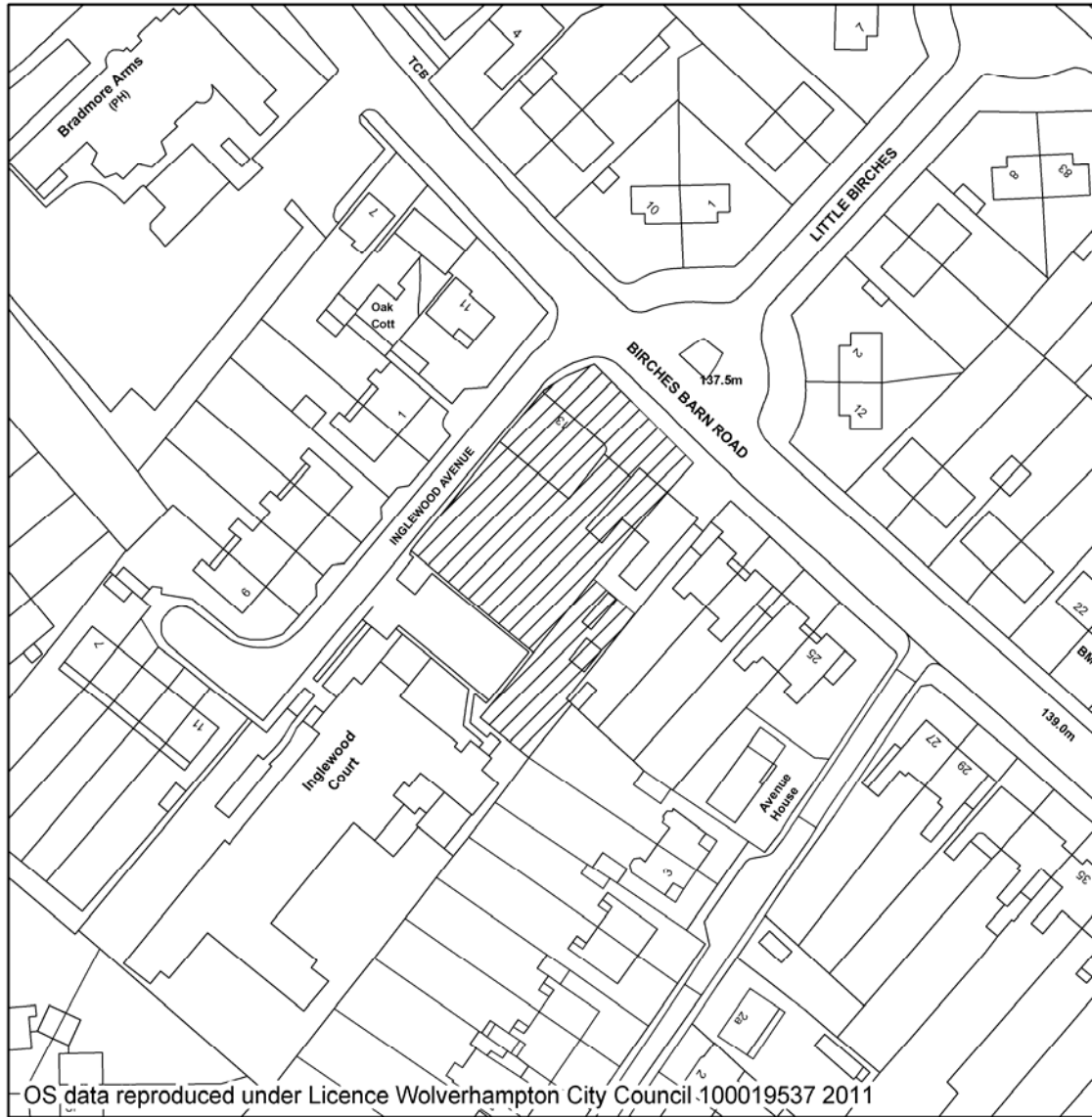
- (i) No overriding objections from the outstanding consultee
- (ii) Variation of conditions 12 and 13
- (iii) Any relevant conditions from 10/01070/FUL

**Case Officer : Mr Mark Elliot**

**Telephone No : 01902 555648**

**Head of Development Control & Building Control – Stephen Alexander**





**DO NOT SCALE**

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

**Planning Application No: 11/01063/VV**

Location	13 - 15 Birches Barn Road, Wolverhampton, WV3 7BW		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 389627 297567
Plan Printed	19.12.2011	Application Site Area	1442m <sup>2</sup>