

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 31st January 2012
Originating Service Group(s)	REGENERATION AND ENVIRONMENT	
Contact Officer(s)	Stephen Alexander (Head of Development Control & Building Control)	
Telephone Number(s)	(01902) 555610	
Title/Subject Matter	PLANNING APPLICATIONS	

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 (31st 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 must now as a matter of law (by virtue of the Community Infrastructure Levy Regulations 2010) comply with the tests set down in the Circular 5/2005, 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.

This means that for development or part of development that is capable of being charged Community Infrastructure Levy (CIL), whether there is a local CIL in operation or not, 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 those which are not capable of being charged CIL, the policy in Circular 5/2005 will continue to apply."

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 LPAs 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 LPAs 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 LPAs 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. LPAs 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.

<u>REFERENCE</u>	<u>SITE ADDRESS</u>	<u>WARD</u>	<u>PAGE NO</u>
11/01114/FUL	Land To The Rear Of 58-70 Bunkers Hill Lane And 10-14 Springfield Road Wolverhampton	Bilston North	Page 8
Application Type	Minor Dwellings		
11/01122/FUL	Land Adjacent To 41 Bulger Road Wolverhampton	Bilston North	Page 14
Application Type	Minor Dwellings		
11/00972/FUL	1 Gatcombe Close Wolverhampton WV10 8TW	Bushbury North	Page 21
Application Type	Householder		
11/01034/FUL	7 Ryecroft Cottages Coton Road Wolverhampton WV4 5AS	Penn	Page 26
Application Type	Householder		
11/01172/FUL	16 Wrekin Drive Tettenhall Wolverhampton WV6 8UJ	Tettenhall Regis	Page 31
Application Type	Householder		
11/01030/FUL	41 Woodthorne Road Wolverhampton WV6 8TU	Tettenhall Regis	Page 37
Application Type	Householder		

11/00627/OUT Jennie Lee Centre
Lichfield Road
Wednesfield
Wolverhampton
WV11 3HT **Wednesfield
South** Page 42

Application Type Largescale Major
Dwellings

11/00639/OUT Land Between 68 And
Woodcross Health Centre
Woodcross Lane
Wolverhampton
WV14 9BX **Spring Vale** Page 55

Application Type Smallscale Major All
Other Development

11/01022/EXT Former Goodyear Tyre Factory
Stafford Road
Wolverhampton
WV10 6DH **Bushbury South
And Low Hill** Page 62

Application Type Largescale Major
Dwellings

11/00072/OUT Land To The Rear Of Works
And Telephone Exchange
Railway Drive
Bilston
Wolverhampton **Bilston East** Page 68

Application Type Smallscale Major
Dwelling

11/01042/FUL 16-16A Darlington Street
Wolverhampton
WV1 4HW **St Peters** Page 75

Application Type Minor Retail

11/01063/VV 13 - 15 Birches Barn Road
Wolverhampton
WV3 7BW **Graiseley** Page 80

Application Type Minor Retail

11/00747/FUL

36 Broad Lane North
Wolverhampton
WV12 5UA

Wednesfield North Page 86

Application Type

Householder

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/01114/FUL

WARD: Bilston North

DATE: 27-Nov-11

TARGET DATE: 22-Jan-12

RECEIVED: 27.11.2011

APP TYPE: Full Application

SITE: Land To The Rear Of 58-70 Bunkers Hill Lane And 10-14 Springfield Road, Wolverhampton

PROPOSAL: Residential development for the erection of four single storey and two 2-storey dwellings.

APPLICANT:

Mr D Cutler
Eden Properties
Torswood
Ullenhall Lane
Gorcot Hill
Redditch
Worcestershire
B98 9ES

AGENT:

Mr Timothy Slater
West Midlands Design Ltd
Unit 15A
Fairground Way
Corporation Street West
Walsall
WS1 4NU

COMMITTEE REPORT:

1. Site Description

- 1.1 The land was formerly a garage site and is located in the Bilston North ward of the city. The garages were cleared in 2001 and the land has remained vacant since.
- 1.2 The site is bounded by the rear garden boundaries of dwellings on Bunkers Hill Lane and Springfield Road. To the south of the site there is an industrial estate.
- 1.3 There is an existing public footpath across the site from the accesses off Bunkers Hill Lane and Springfield Road. It is understood that this has been closed since 2005 on police advice due to persistent anti-social behaviour.

2. Application details

- 2.1 The application has been made for residential development comprising of four single storey two-bedroom properties and two 2-storey properties with three and four bedrooms. Each dwelling would have a private amenity space and an off street parking provision for one or two vehicles.
- 2.2 It is proposed that the site would utilise both accesses. Two properties would be accessed from Springfield Road and the remaining dwellings from Bunkers Hill Lane.

3. Planning History

- 3.1 09/00762/DWO for Outline Application for the erection of five detached bungalows - Granted, dated 16.11.2009.

4. Constraints

- 4.1 Mining Referral area
Public Right of Way

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

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
EP1 – Pollution Control
EP4 - Light Pollution
EP5 - Noise Pollution
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
H6 - Design of Housing Development

Black Country Core Strategy

ENV3 – Design Quality

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development
PPS3 – Housing
- 5.3 Wolverhampton's Supplementary Documents
SPG3 – Residential Development

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 Four letters and a petition containing 39 signatures were received. These object to the proposals on the following grounds;
 - Re-opening of the public footpath enabling the potential for anti-social behaviour to reoccur.

- The proposed bollards would not prevent motorbikes and scooters going through the site.
- Detrimental to pedestrian and highway safety on Springfield Road
- Access drive from Springfield Road to the site has never been used for vehicles and is too narrow
- Overbearing/overlooking impact from proposed two storey dwellings.

8. Internal Consultees

- 8.1 **Environmental Services** – No objection subject to the inclusion of conditions restricting hours of operation during construction and requiring site investigation into contaminated land.
- 8.2 **Transportation Development** – It is suggested that the public footpath could be formerly closed and that all vehicular access to the site comes from Bunkers Hill Lane. This would help address a proportion of the objections from nearby residents and improve manoeuvrability issues within the site.

9. External Consultees

- 9.1 **The Coal Authority** – No objection subject to the inclusion of recommended condition.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/16012012/E)

11. Appraisal

- 11.1 The key issues are: -

- Character and appearance
- Impact on neighbour amenity
- Public right of way
- Access and parking
- Potential noise disturbance

Character and appearance

- 11.2 The proposed layout is well designed and makes efficient use of the land. The fenestration design and orientation of the properties ensure that important public spaces are overlooked without impinging on the private amenity of other properties.
- 11.3 The site layout takes the opportunity to secure the rear boundaries of properties backing on to the former garage site. All the properties would be served with adequate private amenity space and an off street parking provision.
- 11.4 The proposed dwellings are well designed and would contribute towards improving the character and appearance of the area. The proposal accords with UDP policies D4, D5, D6, D9, H6 and BCCS policy ENV3.

Impact on neighbour amenity

- 11.5 The proposal has been well designed to minimise its impact on neighbouring residential amenity. Neighbour objections have raised concerns about the construction of two storey properties on the site due to the potential for an overlooking/overbearing

impact. It is considered that the two storey dwellings would be sited sufficient distance from the neighbouring properties to avoid appearing unduly overbearing. The location of the first floor windows away from the elevations facing the neighbouring properties will ensure that privacy will be satisfactorily maintained. The proposal is therefore satisfactory in respect of UDP policy D7 and D8.

Public right of way, access and parking

- 11.6 Considerable objection has been raised by the residents of Springfield Road about the re-opening of the public access across the site from Bunkers Hill Lane. To address this issue the potential for development to be accessed only from Bunkers Hill Lane and the driveway from Springfield Road to remain closed has been discussed and the principle agreed with the applicant. The public footpath would then have to be formerly closed by means of the required legal process. It is considered that this arrangement would address a proportion of the neighbour objections in respect of community safety and would be in accordance with UDP policy D10.
- 11.7 The level of off-street parking is considered sufficient and the access from Bunkers Hill Lane adequate. Subject to the receipt of amended drawings showing the revised access arrangements the proposal is in accordance with UDP policy AM12, AM15 and D10.

Potential noise disturbance

- 11.8 To the south of the site there is an operational industrial estate. The closest dwellings are the four single storey properties to the rear of the site. Whilst there is potential for noise disturbance, there are no current noise complaints from adjacent residents being investigated. The internal layout of the single storey dwellings has taken the potential for noise disturbance into consideration by locating the bedrooms at the front of the property facing away from the industrial estate. It is therefore considered that the proposal has sought to minimise the potential for noise disturbance in its design and layout and therefore satisfies UDP policy EP5 and H6.

12. Conclusion

- 12.1 The proposed residential development is well designed. The layout and design of the buildings take the opportunity to significantly enhance the character and appearance of the surrounding area. The development would secure and occupy a site that has been problematic for surrounding residents who have suffered from significant anti-social behaviour whilst the land has been unoccupied.
- 12.2 It has been agreed by the applicant that the sole access to the site shall be from Bunkers Hill Lane and thus the access from Springfield Road shall remain closed. This revised access arrangement would address some of the concerns from residents on Springfield Road who have previously suffered from anti-social behaviour whilst also enabling an important development to secure the site to improve the amenity for existing residents.
- 12.3 The proposal is therefore in accordance with UDP policies D4, D5, D6, D7, D8, D9, D10, EP1, EP4, EP5, AM12, AM15, H6 and BCCS policy ENV3.

13. Recommendation

- 13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 11/01114/FUL, subject to;
- 1) Amended plans to show access to the site only from Bunkers Hill Lane
 - 2) Any appropriate conditions including;

- Materials
- Boundary treatment details
- Landscaping
- Scheme for refuse collection
- Access from Bunkers Hill Lane only
- Speed ramp
- Mining site investigation
- Widening of access from Bunkers Hill Lane
- Hours of operation during construction
- Land contamination site investigation.

Note for Information

Planning permission does not permit the stopping up of the public footpath. It is the responsibility of the landowner to maintain the public right of way across the site until the footpath has been formally stopped up or diverted via section 257 of the Town and Country Planning Act 1990.

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: 11/01114/FUL

Location	Land To The Rear Of 58-70 Bunkers Hill Lane And 10-14 Springfield Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395328 297158
Plan Printed	20.01.2012	Application Site Area	2081m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/01122/FUL

WARD: Bilston North

DATE: 24-Nov-11

TARGET DATE: 19-Jan-12

RECEIVED: 24.11.2011

APP TYPE: Full Application

SITE: Land Adjacent To 41, Bulger Road, Wolverhampton

PROPOSAL: Erection of three, three-bedroom dwellings and the creation of two car parking spaces on an existing grassed area.

APPLICANT:
Mr Mak Collings
Unit 20
Landport Road
Wolverhampton
WV2 2QJ

AGENT:
Mr Graham Onions
Caeparius Ltd
Taptag House
PO Box 190
Wolverhampton
WV3 9TA

COMMITTEE REPORT:

1. Site Description

- 1.1 The existing site is situated within a predominantly residential area and comprises a vacant plot of land, formerly a garage court site. The access is off the turning head of Nelson Avenue. There is a grassed area to the south-west of the site which is grassed open space for the residents of Bulger Road. Bilston cemetery is located immediately to the east of the site. The proposed car parking spaces would be located on a triangle-shaped grassed area located to the north of the proposed dwellings (and adjacent to the existing dwelling at 24 Nelson Avenue).
- 1.2 To the south of the application site is a row of terraced dwellings. The proposal includes retaining an access to these dwellings from Nelson Avenue.
- 1.3 The grassed area of land situated to the north of the site and a strip of land immediately adjacent to the south-west of the application site is currently in the ownership of the Council.

2. Application details

- 2.1 The application is for three dwellings, each with three bedrooms. The dwellings marked '2' and '3' would have a single parking space to the front of the house and the dwelling marked '1' would have two spaces. In addition, the application includes the creation of two parking spaces on an existing grassed area. The site will be accessed from Nelson Avenue.

3. Planning History

- 3.1 06/01016/FUL – planning application for two semi-detached dwellings. Granted. However, this application did not involve the purchase of supplementary land from the Council (but on a smaller site).

4. Constraints

- 4.1 Mining referral area

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D7 - Scale - Height

D9 – Appearance

D10 – Community Safety

AM1 - Access, Mobility and New Development

AM9 - Provision for Pedestrians

H6 - Design of Housing Development

N7 - The Urban Forest

EP9 – Sustainable Drainage Arrangements for Development

EP11 – Development on Contaminated or Unstable Land

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development

PPS3 – Housing

- 5.3 Wolverhampton's Supplementary Documents

SPG3 – Residential Development

- 5.4 Black Country Core Strategy

ENV1 – Design Quality

CSP4 – Place Making

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 A 20-signature petition and a single letter have been received against the proposal. Eight letters of support have been received.

- 7.2 Objections have been made on the following planning grounds:

- (i) access to Nelson Avenue for refuse collection
- (iv) no benefit of existing car park to existing residents

- (v) potential for an increase anti-social behaviour
- (vi) unacceptable visual appearance of a car park
- (vii) unnecessary removal of the grassed area
- (viii) detrimental impact on existing on-street parking provision

7.3 The letters of support are on the following grounds:

- (i) development will prevent anti-social behaviour

8. Internal Consultees

8.1 **Transportation** – The two separate parking bays should be provided before occupation of the dwellings.

8.2 **Environmental Services** – operational hours during construction to be conditioned to minimise disturbance to neighbours. Site investigation and necessary remedial works to be conditioned.

8.3 **Property Services** – support the application due to anti-social behaviour at the existing vacant site.

8.4 **Trees** – no objections

8.5 **Leisure** – The loss of this 122 sq m of open space will require a S106 to secure a Compensatory Loss of Open Space Contribution of £3,409 subject to BCIS annual percentage increase from 1st January 2012 to be paid prior to the loss of any of the open space on site.

9. External Consultees

9.1 **Fire** – the application seems satisfactory for fire access.

9.2 **Police** – support the application as it would eradicate anti-social behaviour problems.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/18012012/J).

11. Appraisal

11.1 The key issues to consider are:

- Principle of Development
- Access
- Design/Street Scene
- Layout (including garden space and parking)
- Trees
- S106 obligations
- Coal mining risk assessment

Principle of Development

- 11.2 The application site is a former garage site located within an existing residential area. An earlier planning consent was granted in 2006 for a pair of semi-detached houses on a narrower site than that which is now the subject of this application. The site is derelict and has a history of anti-social behaviour.
- 11.3 Therefore, the proposal would comply with UDP policy H6 and BCCS policies ENV3 and CSP4 and the principle of the development at this location is acceptable.

Access

- 11.4 The existing dwellings situated immediately to the rear of the application site (Bulger Road) currently have their refuse bins collected from Nelson Avenue. The proposal includes a walkway to the side of the proposed dwellings that would connect Nelson Avenue and the dwellings to the rear of the site. Therefore, this element of the scheme would comply with BCCS policies ENV3 and CSP4.

Design/Street Scene

- 11.5 The proposal is for three dwellings, each with three bedrooms. They would be located adjacent to the turning head at Nelson Avenue and relate to this street. The proposal comprises a single, dual-pitched structure which will comprise a terrace of three dwellings. Each dwelling has three windows on the front elevation and a canopy over the front door, providing an architecturally interesting front elevation. The height and massing of the scheme would respect that of the adjacent dwellings and those in the wider street scene. Therefore, the proposal would comply with the requirements of UDP policies D4, D6, D7, D8, D9 and BCCS policies ENV3 and CSP4.

Layout (including garden space and parking)

- 11.6 The rear elevation of the proposed building would be located approximately 12m from the nearest point of the adjacent dwelling at 41 Bulger Road. To the north-west the nearest dwelling is located approximately 23m away. This would comply with SPG3 'Residential Development', UDP policy H6 and BCCS policies ENV3 and CSP4 and minimise the impact on neighbour amenity.
- 11.7 Proposed dwelling '1' (adjacent to the boundary with Bilston Cemetery) would have a rear garden space of approximately 65.72m², dwelling '2' a rear garden space of approximately 57.24m² and dwelling '3' 59.36m². Therefore, this would comply with SPG3 'Residential Development', UDP policy H6 and BCCS policies ENV3 and CSP4.
- 11.8 A single parking space would be provided to the front of dwellings marked '2' and '3', with two parking spaces provided on the frontage of the house marked '1'. In addition, two additional spaces would be created on the existing adjacent grassed land. The remainder of this green area would remain as grass. The frontage to each house would also have an element of soft landscaping. The proposed parking arrangement would provide suitable provision as the area, whilst not highly accessible due to the distance to the nearest bus stop, can be reached by frequent bus services along Wellington Road. Therefore, this element of the proposal would comply with UDP policies H6, AM12, AM15 and BCCS policies ENV3 and CSP4.
- 11.9 There has been considerable objection to the scheme on the grounds of an unacceptable impact on the existing parking situation in Nelson Avenue. Whilst the proposal would create three extra dwellings, suitable parking provision for the scheme would be provided both as private drives and with the creation of the extra two visitors' spaces. Whilst it is accepted that the creation of the two visitor spaces will reduce the availability of road-side parking presently utilised by residents, such road-side parking is incidental and should not be a reason to hinder development of this site. Therefore, it is not considered that this scheme would have a detrimental impact on the existing parking provision within the street and it would comply with UDP policies H6, AM12, AM15 and BCCS policies ENV3 and CSP4.

Trees

- 11.10 There are a number of trees situated alongside the boundary between the application site and the adjacent cemetery. The proposal would include the retention of these trees. The other trees located within the existing site would be removed. However, the proposed scheme would include replacement tree planting. None of the trees to be removed are protected or of a high amenity value, therefore this element of the proposal would comply with UDP policy N7.

S106 obligations

- 11.11 The proposal would include the purchase of a strip of Council-owned land running from the front to the back of the site (the area proposed to be used as the footpath accessing the rear of the site) This land is currently open and incorporated in to open space adjacent to Bulger Road. The scheme would therefore require the completion of a S106 agreement to secure a compensatory loss of open space contribution towards the provision and/or enhancement of off site recreational open space in the vicinity of the development. This would then comply with UDP policy R3. This obligation would comply with the Circular 5/2005. It would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development

Coal Mining Risk Assessment

- 11.12 The application site is located within an area designated as 'high risk' by The Coal Authority. Therefore a coal mining risk assessment must be submitted to The Coal Authority for its comments. This has been requested from the applicant. This would then comply with UDP policy EP11.

12. Conclusion

- 12.1 It is considered, that given the location and the nature of the site, it would be appropriate for residential development. The layout and setting of the proposed dwellings would relate well to existing properties within Nelson Avenue, 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 proposed creation of two further parking spaces on the existing grassed land within Nelson Avenue is also considered acceptable. It is considered that the scheme would be compliant with UDP Policies H6, D4, D6, D7, D8, D9, D11, D12, D13, AM12, AM15, N7, N9, EP11 and BCCS ENV3, PPS1 and PPS3,

13. Recommendation

- 13.1 That the interim Director of Education and Enterprise be given delegated authority - subject to receipt of satisfactory coal mining risk assessment, no objections from The Coal Authority and completion of a S106 agreement in respect of compensation for loss of open space - to grant planning application 11/01122/FUL, subject to any necessary conditions, including the following:

- Submission of materials
- Sustainable drainage
- Operational hours during construction
- Contaminated land mitigation measures
- S106 agreement
- Boundary treatments

- Provision of standalone car parking bays before occupation

Case Officer : Ms Ann Wheeldon

Telephone No : 01902550348

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: 11/01122/FUL

Location	Land Adjacent To 41, Bulger Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 394199 297038
Plan Printed	20.01.2012	Application Site Area	684m ²

4. Constraints

- 4.1 Adjacent to South.Staffs CC
- 4.2 Mining Advice area - Name: Standing Advice - Data Subject to Change
- 4.3 Mining Areas (Building Consultancy) - Name: Northwood Park - Moseley

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain
D7 - Scale - Height
D8 - Scale - Massing
D9 - Appearance

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development
- 5.3 Wolverhampton's Supplementary Documents
SPG4 – Extension to Houses
- 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.
- 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 representations received objecting and one requesting to speak at planning committee on the following grounds:-
 - Overbearing Impact
 - Loss of light

8. Internal Consultees

- 8.1 Not necessary

9. External Consultees

9.1 Not necessary

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/16012012/Y)

10.2 Particular legal implications text will be added by legal.

11. Appraisal

11.1 The key issues are: -
Design
Street Scene
Neighbouring Amenities

Design

11.2 The amended scheme is in keeping with both the existing and those surrounding, with a similar massing, height and design with a gable roof design. Although SPG 4 recommends set back should be 0.75m, in this circumstance it is considered that the terracing effect would not occur due to the dwelling's end location. The proposal is considered to be compliant with BCCS Policy ENV3 and UDP Policies D4, D7, D8 and D9.

Layout

The property has sufficient amenity space to support the proposal which increases the number of bedrooms by one. There is sufficient car parking provided by an existing drive. It is therefore considered that the proposal is acceptable in relation to policies D4 and AM12.

Neighbouring Amenity

The proposed extension would have no direct impact on any of the neighbouring properties. There is sufficient distance between the structure and neighbouring properties along Abbeyfield Road, and the extension has been amended so that it would not appear overly dominant or obtrusive. Therefore it is considered that the proposal meets the requirements of Planning Policies D7 and D8 and SPG4

12. Conclusion

12.1 It is considered that proposed application has been suitably amended taking into consideration the existing character and design of the property and the street scene it forms part of. 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 overbearing. The proposal is therefore compliant with UDP policies D4, D7, D8 and D9, AM12 and BCCS ENV3.

12.2 The extension is of suitable scale and would be sited at a sufficient distance from the neighbouring properties to ensure that there would be no undue adverse impact to neighbouring amenity. The proposal accords with polices D7, D8 and SPG 4

13. Recommendation

13.1 That planning application 11/00972/FUL be granted, subject to standard conditions, including the following:

- Matching Materials
- No further side windows to be inserted.

Case Officer : Ms Sukwant Grewal

Telephone No : 01902 551676

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: 11/00972/FUL

Location	1 Gatcombe Close, Wolverhampton, WV10 8TW		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392612 303882
Plan Printed	20.01.2012	Application Site Area	260m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/01034/FUL

WARD: Penn

DATE: 08-Nov-11

TARGET DATE: 03-Jan-12

RECEIVED: 05.11.2011

APP TYPE: Full Application

SITE: 7 Ryecroft Cottages, Coton Road, Wolverhampton

PROPOSAL: First floor side extension raised patio area with new fencing and steps to rear garden and new ground floor side elevation window.

APPLICANT:

Mrs Sharma
7 Ryecroft Cottages
Coton Road
Wolverhampton
WV4 5AS

AGENT:

A Priest
10 Beauty Bank
Cradley Heath
Warley
B64 7HY

COMMITTEE REPORT:

1. Site Description

- 1.1 The application property is one of two modern detached residential properties built around 2003. The property is set on a relatively generous plot which is accessed via a private drive. Due to the undulating land levels of the location the property is set higher than the neighbouring properties to the south of the site in Westminster Avenue. The property has had a rear conservatory built under permitted development rights.
- 1.2 The location is an established residential area with the application property surrounded by houses on three sides and parkland adjacent to the entrance.

2. Application Details

- 2.1 The application seeks full planning permission for a raised rear patio area immediately adjacent to the rear of the property, a first floor side extension above the existing garage and a window in the ground floor side elevation.
- 2.2 The application is part retrospective in that the patio area has already been raised to a height of 1.1m above the rear garden level. Currently a section of the patio extends along the adjoining boundary with 6 Ryecroft Cottages this part of the patio will be removed as part of the scheme.
- 2.3 There is also a proposal for a first floor extension to be built over the existing garage to provide additional bedrooms and bathroom facilities. The first floor side extension will be stepped back beyond the front elevation, and below the ridge height of the existing dwelling, and will therefore appear subordinate to the host property.
- 2.4 The third element of the application is a 1.2m wide window in the ground floor side elevation adjacent to the adjoining boundaries with properties in Westminster Avenue.

3. Planning History

- 3.1 In 1997 a planning application was received for the erection of a two storey residential property. The application was subsequently refused on the 28 August 1997. (97/0661/OP)
- 3.2 In 2001 an application for a detached dwelling with a double garage was submitted and subsequently refused on the 9 April 2001 (01/0137/FP).
- 3.3 A planning application was submitted in 2003 for the erection of two detached dwellings and was granted planning permission on the 4 August 2003.

4. Relevant Policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D7 - Scale - Height

D8 - Scale - Massing

D9 – Appearance

- 4.2 Black Country Core Strategy

ENV3 - Design Quality

CSP4 - Place Making

Other relevant policies

- 4.3 PPS1 – Delivering Sustainable Development
- 4.4 Wolverhampton's Supplementary Documents
- SPG4 - Extension to Houses

5. Environmental Impact Assessment Regulations

- 5.1 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).
- 5.2 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.

6. Publicity

- 6.1 Two letters from neighbours have been received their reasons for objection can be summarised as follows:

- Visually intrusive
- Overlooking causing loss of privacy
- Overbearing impact
- The development is out of scale, character and appearance and does not respect the established pattern of development.

7. Legal Implications

7.1 General legal implications are set out at the beginning of the Schedule of planning applications. (LD/16012012/N)

8. Appraisal

8.1 The key Issues are:

- Design and Scale
- Impact on Neighbours

Design and Scale

8.2 The proposed extension is considered to be compatible in terms of scale and design with the existing dwelling and will be in-keeping with the scale of the adjacent property at 6 Rycroft Cottages. The first floor side extension will be stepped back beyond the front elevation, and below the ridge height of the existing dwelling, and will therefore appear subordinate to the host property.

8.3 The first floor extension will follow the footprint of the existing garage, the design and materials will also be in-keeping with the existing dwelling and therefore the extension will not appear out of place or overly dominant.

Impact on Neighbours

8.4 Due to the undulation of the land levels at this location, the application property is set higher than the neighbouring properties in Westminster Avenue, whose rear gardens back on to the site. There is substantial planting along the adjoining boundaries of the Westminster Avenue properties and the application site which provides considerable screening between the properties. However the neighbours point out that when the trees and bushes are periodically cut back their effectiveness as a barrier is diminished. The applicant has submitted amended plans which include the provision of a 1.8m close boarded fence along the raised patio area adjacent to the Westminster Avenue properties to give additional privacy. It is considered this fence will provide adequate protection against overlooking between the properties from the patio area.

8.5 Neighbours have also raised concerns regarding a proposed window at ground floor level in the side elevation adjacent to the Westminster Avenue boundaries. However, the 1.8m close boarded fence to be erected on the raised patio area will be immediately adjacent to this window, the fence will afford adequate protection from any potential overlooking from this window.

8.6 The first floor extension will not have an overbearing impact on neighbouring properties due to its scale and location within the site. However there is a window within the first floor that has the potential to cause overlooking into the rear gardens of the adjoining properties. If planning permission is granted a condition would be placed on the Decision Notice restricting the window to an obscure glazed non opening design. The applicant has indicated their agreement to this restriction. It is therefore considered the development will not have a significant affect adverse affect on the neighbouring properties.

9. Conclusion

- 9.1 The proposed extension is considered to be compatible in terms of scale and design with the existing dwelling and all external finishes will match the existing. Providing the 1.8m close boarded fence is installed on the raised patio area this element is acceptable. The proposal will not significantly affect the amenity of any neighbouring properties or appear at odds with its surroundings. As such, the proposal is considered acceptable in the context of its surroundings and accords with the general criteria set out in policies D4, D7, D8 and D9 of the UDP, policies CSP4 and ENV3 of the BCCS, and the advice contained in Supplementary Planning Guidance 4.

10. Recommendation

- 10.1 That planning application 11/01034/FUL be granted subject to any appropriate conditions including;
- Materials to match existing.
 - 1.8m close boarded fence to be erected and maintained.
 - First floor window to be obscurely glazed and non opening.

Case Officer : Mr Colin Noakes

Telephone No : 01902 551124

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: 11/01034/FUL

Location	7 Ryecroft Cottages, Coton Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390671 296172
Plan Printed	20.01.2012	Application Site Area	790m ²

the rear elevation of the dwelling and garage, and will project outwards by 4m. The extension will be in the form of a lean-to structure, with a tiled roof and a facing brickwork finish to the external walls to be in-keeping with the existing dwelling.

- 2.3 The proposed two-storey side extension will involve the demolition of the existing garage and its replacement with an extension measuring 5.65m in length by 2.8m in width. The extension will be stepped back behind the front building line by 3.3m and will project beyond the rear elevation by 0.85m. The extension will have a hipped roof and will be lower than the ridge height of the existing dwelling.
- 2.4 The design of the side extension has been amended to ensure the proposal does not detrimentally affect the amenity of the residents of the neighbouring property (no.15 Wrekin Drive). The extension will be built on the boundary of the property and the design of the roof has been amended to ensure the roof/guttering does not overhang and cross the boundary.
- 2.5 The ground floor of the extension will include a new garage, family room, dining area and utility room. The first floor extension will accommodate a bedroom, however the entire first floor will be reconfigured and as a result there will no additional bedrooms within the dwelling.

3. Planning History

- 3.1 A/C/1053/79 – Lounge extension and new kitchen – Granted 06.06.1979.

4. Constraints

- 4.1 Adjacent to South Staffordshire Council
Smoke Control Zone - Wolverhampton Borough Council - Wightwick Area
Source Protection Zone - Source Protection Zones: 1

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan (UDP):
D4 Urban Grain
D7 Scale – Height
D8 Scale - Massing
D9 Appearance

Black Country Core Strategy (BCCS):

CSP4 - Place Making
ENV3 - Design Quality

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development
- 5.3 Wolverhampton's Supplementary Documents
Supplementary Planning Guidance 4 (SPG4) – Extension to Houses

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.

- 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. [Delete as necessary]

7. Publicity

- 7.1 Four representations have been received from neighbouring properties objecting to the proposal on the following grounds:

- Loss of light;
- Out of character;
- Unacceptable visual impact;
- Detrimental to the street scene;
- Potential terracing effect;
- Disturbance and inconvenience during the construction phase;
- New foundations might cause disturbance to the foundation and the structural integrity of the neighbouring property;
- Scaffolding will not be acceptable;
- Future maintenance would be difficult.

- 7.2 A neighbouring resident who objects to the proposed development has also requested an opportunity to address the Planning Committee.

8. Internal Consultees

- 8.1 None

9. External Consultees

- 9.1 None

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the Schedule of planning applications (LD/11012012/C)

11. Appraisal

- 11.1 The key issues are: -

- Design and Scale;
- Impact on Neighbours;
- Setting in the Street Scene.

Design and Scale

- 11.2 The proposed extension is considered to be compatible in terms of scale and design with the existing dwelling and will be in-keeping with the scale of both flanking neighbouring properties. The two storey side extension will be stepped back beyond

the front elevation, and below the ridge height of the existing dwelling, and will therefore appear subordinate.

- 11.3 It is recognised that the footprint of the rear extension is large compared to the original footprint of the dwelling, however the majority of this area is already developed by a conservatory, garage and WC. The design and use of materials will also be in-keeping with the existing dwelling and therefore the extension will not appear out of place or overly dominant.

Impact on Neighbours

- 11.4 A number of neighbouring residents believe that the extension would detrimentally affect their amenity. However, it is considered that the proposed extension would not appear overbearing or result in an unacceptable loss of light to both adjoining neighbouring properties.
- 11.5 The two storey extension will project beyond the rear elevation by 0.85m however this will be in line with the projecting gable feature to the rear of the 15 Wrekin Drive (as extended following planning permission 01/0970/FP). The extension will be constructed along the boundary with no.15; however the only window within the side elevation contains obscure glazing and provides light to a garage. Also, due to the orientation of the dwelling and the scale and design of the rear extension there should be no impact on no.17 to the south.
- 11.6 The potential disturbance that will be caused to neighbouring residents during the construction phase will be minimal for a development of this scale. However, should planning permission be granted a condition can be imposed controlling the hours of work.
- 11.7 The concerns raised in relation to the future maintenance of the extension and the works associated with the construction (i.e. laying foundations / scaffolding) of the extension, as it will be on the boundary with no.15 Wrekin Drive, are not material planning considerations. The issue of gaining access for the future maintenance of the extension and works next to a boundary / party wall will need to be discussed and agreed between both landowners, particular through The Party Wall Act 1996.

Setting in the Street Scene

- 11.8 The front of the two storey extension will be the only element of the proposal that will be visible from the public realm. The extension will be set back 3.3m behind the front elevation and will appear subordinate. As such, it is not considered that the proposal will appear out of place or at odds with the surrounding environment. A number of dwellings within the cul-de-sac have extensions of a similar scale and design, including the adjoining property (no.15).
- 11.9 The existing garage is already located on the boundary with no.15 although the garage is single storey and the proposal involves the construction of a two storey structure. However, due to the overall scale and design of the extension a terracing effect will not be created. A number of the existing dwellings (as extended) within the cul-de-sac fill the width of their curtilages and as such the proposal will not appear out of place in the street scene.

12. Conclusion

- 12.1 The proposed extension is considered to be compatible in terms of scale and design with the existing dwelling and all external finishes will match the existing. The proposal will not significantly affect the amenity of any neighbouring properties or appear at odds with its surroundings. As such, the proposal is considered acceptable in the

context of its surroundings and accords with the general criteria set out in policies D4, D7, D8 and D9 of the UDP, policies CSP4 and ENV3 of the BCCS, and SPG4.

13. Recommendation

13.1 That planning application 11/01172/FUL be granted subject to any appropriate conditions including;

- Materials to match existing
- Removal of PD rights for the dwelling
- Hours of operation during construction.

Case Officer : Mr Morgan Jones

Telephone No : 01902 555637

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: 11/01172/FUL

Location	16 Wrekin Drive, Tettenhall, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387305 300265
Plan Printed	20.01.2012	Application Site Area	458m ²

3. Planning History

- 3.1 There has been one application (96/1122/FP) which was approved on 13.01.1997 for a two storey side extension to house to form an annexe residence for parent. This has not been implemented.

4. Constraints

- 4.1 Source Protection Zone - Source Protection Zones: 1
Tree Preservation Order - TPO Ref: 06/00467/TPO

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D3 - Urban Structure
D4 - Urban Grain
D6 - Townscape and Landscape
D7 - Scale - Height
D8 - Scale - Massing
D9 - Appearance

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development
- 5.3 Wolverhampton's Supplementary Documents
SPG4 - Extension to Houses
- 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 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 One representation has been received from the neighbour at number 39 Woodthorne Road in regards to the two storey side element of the proposal which includes. Their comments are:
- Visual impact
 - Overbearing outlook
 - Overshadowing
 - Overlooking

8. Internal Consultees

8.1 **Tree Officers** – No observations.

9. External Consultees

9.1 None

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications.

10.2 Particular legal implications text will be added by legal.

11. Appraisal

11.1 The key issues are: -

- Design
- Neighbouring Amenities
- Setting in the street scene

Design

11.2 The street scene consists of detached and semi-detached properties with attached garages, these provide an element of spatial separation at first floor between each property.

11.3 It is considered that some form of first floor side extension would be feasible. Although the first floor extension would draw the properties closer together, the element of space left is now felt significant enough to not result in a cramped appearance between the application site and the neighbouring property at 39 Woodthorne Road. The proposals are considered to be in keeping with other properties within Woodthorne Road.

11.4 The proposal has been amended from that first submitted. The current application has been set back at the first floor by 2.9 metres from the existing front elevation therefore some element of spaciousness is retained from the street scene. The ridge height of the two storey element has also been reduced and the set back to the first floor shows a more subservient design than that first submitted. These amendments address the previous concerns, providing an extension which would now be in keeping with the character and appearance of both the existing property and the surrounding street scene.

11.5 It is considered that the proposed extension would respond well to the existing context of buildings streets and spaces, and is a suitable design compliant with UDP policies D4 and D9 and ENV3 of the BCCS.

Neighbouring Amenities

11.6 The neighbour at number 39 objects and refers to the extension as being overbearing and reducing privacy.

- 11.7 The neighbouring property at number 39 is set back from the application property by approximately 2.5 metres. Number 39 has side facing windows at first floor which would be affected by the proposal. There are three first floor windows to the side elevation facing the application site and one roof light within the single storey side extension which leads to the kitchen. The windows to the first floor are secondary windows to the stairs and to two bedrooms. As these windows are secondary windows and there would still be a gap between the properties, it is considered that the impact with regards to light would not be significant enough to warrant refusal.
- 11.8 With regards to outlook and overlooking, the proposed extension has been set back from the front elevation by 2.9m. This would leave a considerable gap to the front elevation and give still provides a vision of spaciousness within the street scene. In terms of overlooking there will be no additional overlooking than exists as present. Therefore, it is considered that the detriment to outlook and overlooking would be minimal, and would not be significant enough to warrant refusal.
- 11.9 Therefore, it is considered that the neighbouring amenities would not be adversely affected. The proposal is compliant with UDP Policy D8.

Setting in the Street Scene

- 11.10 The properties within the street scene are large mostly detached properties and some semi-detached properties with attached garages and are set back from the main road with driveways and parking spaces. Some properties on the street have been extended to the full width of their plots.
- 11.12 In terms of the visual impact and the street scene setting the proposal will be consistent with properties in the street scene. The proposal will be building over an existing single storey garage and will leave a gap along both sides of the property for access to the rear.
- 11.13 The proposal is consistent with properties within the street scene and complies with UDP policies D6, D9, and ENV3 of the BCCS.

12. Conclusion

- 12.1 This amended proposal is now considered acceptable, as it has satisfactorily addressed previous concerns by reintroducing some spatial separation between the application site and the neighbouring property at 39 Woodthorne Road, by setting the two storey element back and reducing the height of the two storey element and lowering its ridge height. This has resulted in a structure which now contributes to the character and appearance of both the existing property and the surrounding street scene. Therefore, the proposed extension is compliant with UDP Policies, D4, D6, D7, D8, and D9 and ENV3 of the BCCS.

13. Recommendation

- 13.1 That planning application 11/01030/FUL be granted subject to any necessary conditions including:
- Matching materials

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: 11/01030/FUL

Location	41 Woodthorne Road, Wolverhampton, WV6 8TU		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387463 300627
Plan Printed	20.01.2012	Application Site Area	1487m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/00627/OUT **WARD:** Wednesfield South
DATE: 05-Jul-11 **TARGET DATE:** 04-Oct-11
RECEIVED: 24.06.2011
APP TYPE: Outline Application

SITE: Jennie Lee Centre, Lichfield Road, Wednesfield, Wolverhampton
PROPOSAL: Outline application with all matters reserved. The re-development of the Jennie Lee Centre site and adjoining open space for up to 200 residential dwellings.

APPLICANT:
Charles Green
Wolverhampton City Council
Civic Centre, St Peters Square,
Wolverhampton
WV1 1RL

AGENT:
Mrs Victoria Lloyd
Jacobs Engineering UK Ltd
Unit H1, 61 Macrae Road
Eden Buisiness Park
Ham Green
Bristol
BS23 0DD

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is 6.8 hectares and located approx 3km north east of Wolverhampton City Centre. The application site comprises the Council's Jennie Lee Centre, now offices and formerly a school and adjacent sports pitches. The premises have been identified as surplus to requirements and are in the process of being vacated.
- 1.2 A dense area of tree planting known as Millennium Forest is located on the open space along the eastern and western site boundaries with 1.8m high railings on the southern boundary.
- 1.3 The western boundary of the site is adjacent to towpath of the Wyrley and Essington Canal. The southern boundary of the site is adjacent to a modern housing development. Lakefield Road is on the eastern boundary and Lichfield Road to the north.
- 1.4 The playing fields comprise four grass mini pitches and one synthetic turf pitch with associated on site changing rooms and car parking facilities.

2. Application Details

- 2.1 The application is in outline with all matters reserved. The submitted diagrammatic layout is therefore illustrative only. Up to 200 dwellings are proposed with a large area of open space on the southern part of the site.
- 2.2 Access is indicatively proposed from Lichfield Road and Lakefield Road.
- 2.3 The Bilston Youth Partnership Football League which were using the football pitches have already been relocated to North Wolverhampton Academy.

3. **Constraints**

Recreational Open Space
Mineral Safeguarding Area

4. **Relevant Policies**

The Development Plan

4.1 Wolverhampton's Unitary Development Plan

AM4 Strategic Highway Network
AM12 Parking and Servicing Provision
AM14 Minimising the Effect of Traffic on Com.
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
D10 Community Safety
D12 Nature Conservation and Natural Features
D13 Sustainable Development Natural Energy
D14 The Provision of Public Art
EP5 Noise Pollution
EP6 Protection of Ground Water, Watercourses, Canals
EP8 Water Supply Arrangements for Development
EP9 Sustainable Drainage Arrangements for Development
H6 Design of Housing Development
H8 Open Space, Sport and Rec. Req. new Development
HE1 Preservation of Local Character and Dist
N1 Promotion of Nature Conservation
N7 The Urban Forest
R2 Open Space, Sport and Rec. Priority Areas
R3 Protection of Open Space, Sport and Recreation
R4 Development Adjacent to Open Spaces
R5 Sports Grounds
R7 Open Space Requirements for New Develop.

4.2 Black Country Core Strategy

TRAN2 Managing Transport Impacts of New Development
TRAN4 Creating Coherent Networks for Cycling a
CSP1 The Growth Network
CSP2 Development outside the Growth Network
CSP3 Environmental Infrastructure
CSP4 Place Making
HOU2 Housing density, type and accessibility
EMP1 Providing for Economic Growth and Jobs
EMP5 Improving Access to the Labour Market
ENV1 Nature Conservation
ENV2 Historic Character and Local Distinctive
ENV3 Design Quality
ENV4 Canals
ENV5 Flood Risk, Sustainable Drainage Systems

ENV6	Open Space, Sport and Recreation
ENV7	Renewable Energy
ENV8	Air Quality
WM5	Resource management and new development
MIN1	Managing and Safeguarding mineral resources

Other relevant policies

- 4.3
- PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPS4 Planning for Sustainable Economic Growth
 - PPS5 Planning for the Historic Environment
 - PPS9 Biodiversity and Geological Conservation
 - PPG13 Transport
 - PPG17 Planning for Open space, Sport and Recreation
 - PPS25 Development and Flood Risk
- 4.4
- Wolverhampton's Supplementary Documents
 - SPG3 - Residential Development
 - SPD - Sustainable Communities
 - SPD - Affordable Housing
- 4.5
- Draft National Planning Policy Framework (NPPF) (July 2011)

5. Environmental Impact Assessment Regulations

- 5.1
- 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.
- 5.2
- The application does not fall within Schedule 1 but within Schedule 2 development being an Urban Development project exceeding 0.5 ha. However, having regard to the characteristics of the development, its location and potential impact, officers are of the opinion that the proposal does not require an Environmental Impact Assessment (EIA). In coming to this decision the officers have taken account of the selection criteria set out in Schedule 3 to the Regulations including the characteristics of the development, location of development and characteristics of the potential impact.
- 5.3
- The "screening opinion" of the Local Planning Authority is therefore 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.

6. Publicity

- 6.1
- Twelve letters and one petition of objection have been received. A summary of their concerns are set out below:-
- Loss of green space
 - Loss of trees
 - Impact on wildlife
 - Loss of Privacy
 - Housing type should include bungalows and no flats
 - High density
 - Pedestrian access from Lakefield Road would impact on amenity
 - Reduced security for existing residents

- Unacceptable increase in traffic
 - Detrimental impact on the town centre
- 6.2 Councillor Matthew Holdcroft has expressed that the development must carefully consider the relationship between the development and the existing housing on Sanderson Park and houses should be of high quality.
- 7. Internal Consultees**
- 7.1 **Leisure and Cultural Services** – The proposal would result in the loss of open space and playing fields including an artificial grass pitch. Compensatory provision is required in accordance with UDP policies R3 and R5.
- 7.2 In accordance with UDP policy H8, any new housing development of 10 or more dwellings is required to contribute towards the provision and/or enhancement of open space sufficient to serve new residents in the form of on-site provision or financial contribution.
- 7.3 **Historic Environment** – The site is adjacent to the late 18th century Wyrley and Essington canal which is a key heritage asset. The impact of the development on this key heritage asset should be assessed.
- 7.4 The former school buildings are of architectural interest and prior to demolition they should be recorded.
- 7.5 **Transportation Development** – One access from each major road is acceptable in principle. The indicated access position on Lichfield Road is close to the optimum in transportation terms but the access position off Lakefield Road would be better for future development if moved further north.
- 7.6 The Transport Assessment submitted is acceptable for the size of development and should not lead to any adverse impact on the surrounding highway network. Pedestrian connectivity could be improved to ensure all households are within reasonable walking distance of the bus stops on Lichfield Road. The Transport Assessment refers to the value of the canal towpath as a cycle link and pedestrian route to Wednesfield Centre. A financial contribution should be sought from the developers towards improvements/enhancements to the canal side.
- 7.7 The interim residential travel plan is acceptable at this stage and should be included in any Section 106 agreement.
- 7.8 To improve road safety, speed reduction measures are recommended on Lichfield Road. These can be secured through a Section 106 Agreement.
- 7.9 **Landscape & Ecology** – The ecological surveys carried out are satisfactory. No evidence of badgers were observed but a follow-up badger survey, prior to commencement of development is recommended. The bat survey is satisfactory and has not identified any roosting bats. Any development proposed however should include bat roosting provision. If work on site has not commenced by January 2012 a follow-up to the Ecology Walkover and Phase 1 Habitat Survey should be carried out. These can all be conditioned.
- 7.10 The proposal will result in the removal of large areas of Millennium forestry but as much should be retained on site as possible. The linear area of trees on the western boundary and woodland along the southern and eastern boundaries should be retained as it is likely to be of value for nesting and foraging birds, invertebrates and small mammals

- 7.11 A development of this size will require an extensive SUDs system and details will be required.
- 7.12 **Trees** – There are several trees of high amenity value which should be retained.
- 7.13 **Archaeology**- No archaeological implications
- 7.14 **Environmental Services** – The following should be conditioned:-
- An acoustic survey including a detailed insulation scheme for properties fronting Lakefield Road and Lichfield Road
 - Measures to protect residents during construction, including hours of construction
 - Site investigation report

8. External Consultees

- 8.1 **Sport England** – The development would result in the loss of playing pitches and an artificial grass pitch and compensatory provision must be provided. Sport England does not object subject to the following:-
- (i) A sum of £1m ring fenced within the Councils Medium Term Capital Programme for the purpose of providing appropriate replacement provision for the loss of the artificial grass pitch which shall be demonstrated through the obtaining of the appropriate Member approval prior to the grant of planning permission.
 - (ii) Planning Conditions which would require the following prior to the commencement of the development:-
 - details of replacement playing fields shall be submitted to and approved by local planning authority and planning permission shall have been granted.
 - a contract for the construction of the replacement playing fields shall be let.
 - a management plan with secured/approved maintenance funding for the replacement playing fields shall be submitted to and approved by local planning authority and the playing fields shall be managed in accordance with the management plan.
 - details of replacement Artificial Grass Pitches and a management plan shall be submitted to and approved by local planning authority and the replacement Artificial Grass Pitches shall be provided and managed in accordance with the approved details.
- 8.2 **Natural England** – no objection
- 8.3 **British Waterways** – no objections and BW are generally supportive of the design principles. The canal side is a key frontage and retained and enhanced cycle and pedestrian links are shown to the towpath which is acceptable. A financial contribution is necessary to improve the canal towpath at the points of access from the development and there is an opportunity to provide improved access to Lichfield Road from the south side of Wards Bridge
- 8.4 **Environment Agency** – welcomes the proposal for a pond and SUDs however the Environment Agency objects because the revised flood risk assessment does not demonstrate that Greenfield rates of run-off can be achieved.
- 8.5 **Severn Trent Water** – no objections
- 8.6 **Centro** – A bus shelter may require relocation and the submitted travel plan is welcomed.

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications.

Conservation of Species Protected by Law

9.2 The Local Planning Authority is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”) and the planning authority is under a duty to have regard to the Habitats Directive in the exercise of its functions. Planning authorities should give due weight to the presence of protected species on a development site and to reflect these requirements in reaching planning decisions, under Regulation 40 (1) and Schedule 2 of the Habitats Regulations, bats are European protected species.

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

9.4 If the Environment Agency maintains its objection to the development on flood risk grounds then the application does not have to be referred under The Town and Country Planning (Consultation) (England) Direction 2009. This is because the site is not within the definition of a “flood risk area” for the purposes of the Town and Country Planning (Consultation) (England) Direction 2009 paragraphs 2 and 8. However in making its determination the local planning authority should have regard to the flood risk as well all other relevant material considerations. [LC/19012012/A]

10. Appraisal

10.1 The key issues are: -

- Economic prosperity
- Loss of open space, including playing fields
- Housing density
- On-site open space and play facilities
- Canalside enhancement
- Design and layout
- Impact on heritage assets
- Flood risk
- Residential amenity
- Landscape and ecology
- Transportation
- Planning obligations
- Renewable energy, waste and minerals

Economic Prosperity

10.2 The development would create jobs during construction and represent a significant investment into the City, in accordance with the general aims of PPS4.

Loss of Open Space including Playing Fields

10.3 A large part of the application site is identified in the Unitary Development Plan as open space most of which is used as playing fields. The development would result in the loss of 2.5 hectares of playing fields comprising four mini football pitches (on 1.7ha

of playing fields) and an artificial grass pitch. The development would also result in the loss of 14,750 square metres of open space which has been planted as part of the Millennium planting.

- 10.4 UDP policies R3 and R5 require compensatory provision for the loss of playing pitches of equivalent size and quality plus associated changing rooms and car parking facilities.
- 10.5 The agent has confirmed that £1 million funding necessary to provide the compensatory provision for the artificial grass pitch will be 'ring-fenced' to the Jennie Lee planning application and secured through a Cabinet resolution on 21st February 2012 and endorsed by Full Council on 1st March 2012. The location of the new artificial grass pitch is yet to be agreed.
- 10.6 The agent states that a site at Barnhurst Lane, Bilbrook has been identified as the location of compensatory playing fields and that an additional £3 million bid for these will be reported to Cabinet on 21st February 2012 and Full Council on 1st March 2012. These new playing fields would compensate for the loss of playing fields at the Jennie Lee site and possibly at other sites, including Highfields and Kings Schools.
- 10.7 Sport England supports this approach provided conditions are included which require the following prior to commencement of development;
- details of the location and specification of the replacement playing pitches and associated car parking and changing rooms to be approved and planning permission to be granted,
 - a contract to be let for the construction of the replacement playing pitches
 - a management plan for the replacement playing pitches to be approved
- 10.8 The proposal would also result in the loss of an area of 14,750 sqm of densely planted public open space. In accordance with UDP policy R3 a compensatory payment of £412,216 (subject to BCIS increase from 1st January 2012) is required for the creation and/or enhancement of open space and natural areas within the vicinity of the application site. This would be used to enhance the nearby Coleman Avenue Neighbourhood Park.
- 10.9 While the development would result in the loss of open space and playing fields and associated facilities subject to compensatory provision the proposal would be in accordance with UDP policies R3 and R5.

Housing Density

- 10.10 The 200 dwellings proposed would give a density of 36.4 dwellings per hectare which is acceptable and would allow for a variety of family housing, in accordance with BCCS policies HOU1 and HOU2.

On-site Open Space and Play Facilities

- 10.11 In accordance with UDP policy H8 there is a requirement for approximately 1.75ha of on-site open space. The indicative layout shows 1.6ha on site and the remainder would be required as a compensatory payment of approximately £368,824 (based on the illustrative development and subject to BCIS from 1st January 2012). The payment would be used to enhance the nearby Coleman Avenue Neighbourhood Park, which is the nearest play facility to the development. The 1.6ha on-site open space indicated is the minimum amount necessary to be functional and therefore should be required by condition.

Canalside Enhancement

- 10.12 The site is adjacent to the towpath of the Wyrley and Essington Canal. The indicative layout includes pedestrian and cycle links to the towpath which leads directly to Wednesfield Town centre. British Waterways have requested that the developer funds

improvements to the canal towpath to encourage the use of the towpath for walking and cycling by future residents. They also point to an opportunity to create an access to the canal towpath on the south side of Wards Bridge.

10.13 BCCS policies ENV2 and ENV4 states that where opportunities exist, all development proposals within the canal network must enhance and promote its leisure and recreation value and improve and promote walking and cycling. It is therefore appropriate that the development should contribute, subject to financial viability, towards the enhancement of the towpath adjacent to the site.

10.14 However, a new access onto the towpath from Ward's Bridge would not be justified as, subject to the detailed design of the layout, access to the towpath could be conveniently achieved through the site.

Design and layout

10.15 No detailed design work has been submitted. The layout plan is diagrammatic and illustrative only. Design details would be submitted at the reserved matters stage. The indicative layout shows a perimeter block arrangement which is acceptable.

10.16 An area of open space is illustrated on the southern part of the site, adjacent to the existing houses on Sanderson Park to the south which front onto the open space. The retention of the open space in this area would maintain this outlook for existing residents.

10.17 The layout plan also shows a strip of landscaping alongside the canal towpath which would provide a landscape setting to the development and act as a wildlife corridor, which is appropriate.

10.18 The application indicates that new buildings would be predominantly two story and a maximum of three storey. This would be appropriate.

10.19 The indicative layout is broadly acceptable and in accordance with UDP policies D3, D4, D5, D6, D7, D8 and D10 and BCCS policies ENV2, ENV3, CSP4.

Impact on Heritage Assets

10.20 The site is adjacent to the Wyrley and Essington canal which is a key heritage asset. The submitted Heritage statement states that there would be no adverse impact on the canal and that the proposed development is an opportunity to create and enhance the canal network. The view is supported that the development is therefore in accordance with PPS5 and BCCS policies ENV2 and ENV4 and UDP policy HE1.

Flood risk

10.21 A flood risk assessment (FRA) has been submitted and assessed by the Environment Agency which objects on the grounds that the development would not accord with BCCS policy ENV5 which requires all new developments to achieve greenfield rates of run-off. The proposed outflow rate is highly likely to be in excess of any greenfield rate of run-off. The applicant has been asked to revise the flood risk assessment accordingly. It is anticipated that this is achievable and that the Environment Agency will withdraw their objection.

Residential Amenity

10.22 The new housing would be located 65m from existing houses fronting the development in Thistle Croft and Bluebell Crescent and 30m from houses fronting the development in Lichfield Road. The development would not result in any loss of amenity to existing residents and is therefore in accordance with UDP policies D4 and H6.

10.23 The proposed pedestrian links indicated on the indicative drawing are diagrammatic only and do not represent the precise location of the access points into and out of the

development. The principle of pedestrian and cycle links is important but the exact position of these points will be determined under reserved matters. It is not considered that the proposed access points would result in loss of privacy to residents and the development would be in accordance with UDP policies D3, D4 and H6.

Landscaping and Ecology

- 10.24 The proposal will result in the extensive removal of trees, many of which were planted as part of the Millennium Forest, around the turn of the century. They were densely planted and are in need of some thinning. There are 23 individual trees and 4 groups of trees across the site which are of high amenity value and should be retained. A condition can be included that trees identified as high value are retained.
- 10.25 UDP policy N7 seeks to preserve, enhance and extend the urban forest. The proposal would seek to retain trees along the west, east and southern boundaries but thinning them to allow natural surveillance. A pond is proposed which would provide sustainable drainage and new habitat in accordance with UDP policies N7, D6 and D12.
- 10.26 The appropriate ecological surveys have been undertaken and have demonstrated that the development would not result in any harm to protected species. The reports recommend further phase 1 habitat survey and badger survey if the development has not commenced by January 2012. These can be conditioned.

Transportation

- 10.27 The proposed access points from Lakefield Road and Lichfield Road are acceptable in principle.
- 10.28 The Transport Assessment submitted is acceptable and shows that the development should not lead to any adverse impact on the surrounding highway network. Pedestrian connectivity could be improved to ensure all households are within reasonable walking distance of the bus stops on Lichfield Road. This can be achieved at the reserved matters stage.
- 10.29 The interim residential travel plan is acceptable at this stage and should be included in any Section 106 agreement. The measures would require a payment of £750 per dwelling. The travel plan should include the following:-
1. Appointment of a Travel Plan Coordinator for the duration of the Residential Travel Plan
 2. Inclusion in the design of the site of measures to support walking and cycling including direct and well lit routes to the highway network and canal towpath
 3. Provision of broadband to all properties
 4. Provision of a 'welcome' information pack to all households on first occupation including:
 - information on car sharing
 - information on local public transport routes
 - information on walking and cycling opportunities
 - information on local services including those offering internet delivery & home delivery; and
 - free public transport day tickets
 5. Promotion of sustainable transport to residents for the duration of the Residential Travel Plan including any relevant promotional events
 6. Free or discounted weekly or monthly public transport season tickets
 7. Discounted cycle equipment
- 10.30 To improve road safety, speed reduction measures to include two permanent interactive signs and two splitter islands on Lichfield Road costing £20,000 are

recommended on Lichfield Road. These can be secured through a Section 106 Agreement.

- 10.31 On that basis the proposal would be in accordance with BCCS policies TRAN2 and TRAN4 and UDP policies AM12 and AM15

Planning Obligations

- 10.32 In accordance with the UDP and Black Country Core Strategy the planning obligations required for the illustrated development include:-

- 25% affordable housing (comprising 40 affordable rent and 10 shared ownership)
- Road safety measures contribution - £20,000
- Loss of open space (not playing fields) contribution - £412,216 (including on-site commuted sum for maintenance £139,200)
- Canal side improvements contributions - £60,000
- Off-site open space and play contribution £368,824
- Residential Travel Plan
- Public Art (1% of construction costs – approx. £161,000)
- Targeted recruitment and training
- Management company for communal areas including any unadopted roads

- 10.33 The current economic conditions and challenging market conditions have led to a need to review developments and seek cost reductions. On the 11th November 2009 Cabinet endorsed a recommendation that flexible and pro-active approach to planning obligations is taken, in response to the economic downturn.

- 10.34 The applicant has submitted a financial viability appraisal (FVA) which has been assessed by the District Valuer who confirms that it would be financially unviable to provide all the planning obligations listed above. However, the development illustrated would be sufficiently viable to provide affordable housing, road safety measures, loss of open space (not playing fields) and canalside improvements contributions as listed above and a reduced off site open space contribution of £307,784.

- 10.35 Targeted recruitment and training and a management company would not impose significant financial burdens in the development and should be required for the development as a whole.

- 10.36 In order to facilitate the early development of the site it would be consistent with the Cabinet resolution of 11th November 2009 and with the approach taken since then with other similar planning applications to require the reduced off-site open space and play contribution on a pro-rata basis for all dwellings completed within three years of the date of this Committee but with the full contribution applying on a pro-rata basis to all dwellings completed after that date. Similarly, the public art contribution and travel plan would be waived for all dwellings completed within three years of the date of this Committee but with the full requirement applying on a pro-rata basis to all dwellings completed after that date.

- 10.37 It would be open to any developer who acquires the site to seek a deed of variation on financial viability grounds.

- 10.38 The application site is owned by the Council and the Council cannot enter into a S106 Agreement both as landowner and local planning authority. Consequently it is recommended that permission should be granted when there is in place a resolution from the relevant Member body that it shall be a condition of the sale of the land that the purchaser shall on taking possession enter into a S106 Agreement as outlined above.

Renewable Energy, Waste and Minerals

- 10.39 **Renewable Energy** - BCCS policy ENV7 'Renewable Energy' includes the requirement for major developments to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This requirement can be conditioned.
- 10.40 **Waste** - BCCS policies WM1 'Sustainable Waste and Resource Management' and WM5 'Resource Management and New Development' requires the submission of details of what material resources will be used in the development and how and where the waste generated will be managed. This can be conditioned.
- 10.41 **Minerals** - The proposal site is located within a BCCS Mineral Safeguarding Area. In accordance with BCCS policy MIN1 it has been demonstrated that mineral resources will not be needlessly sterilised by the development of this site

11. Conclusion

- 11.1 The proposed residential development is acceptable in principle subject to the off-site compensatory re-provision of the 1.7ha of playing fields with associated changing rooms and car parking facilities and artificial grass pitch off-site. The principles demonstrated by the indicative layout are acceptable and subject to approval of reserved matters the proposal would not result in any adverse effect on resident's amenity or the highway network subject to off-site road safety measures.
- 11.2 The flood risk assessment has not demonstrated that the development could achieve greenfield rates of run-off. The agent is seeking to overcome the Environment Agency objection.
- 11.3 A financial viability appraisal has demonstrated that it would be unviable to provide all the planning obligations. In order to facilitate early development of the site, it would be consistent with the Cabinet resolution of 11th November 2009 and with the approach taken since then with other similar planning applications, to require the reduced contributions, on a pro-rata basis for all dwellings completed within three years of the date of this Committee but with the full contribution applying on a pro-rata basis to all dwellings completed after that date.
- 11.4 Subject to resolution of the outstanding drainage issue, conditions and a 106 agreement as recommended, the proposal would be in accordance with the Development Plan.

12. Recommendation

- 12.1 That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00627/FUL subject to:-
- (i) The Environment Agency withdrawing their objection;
 - (ii) Cabinet/Full Council Resolution to secure the funding mechanism for provision of replacement artificial grass pitch and playing fields;
 - (iii) Cabinet or Cabinet Resources Panel decision that the sale agreement for the application site shall include a requirement for the purchaser to enter into a s106 as outlined below on completion of the land transaction;
- For the development site as a whole:

- 25% Affordable Housing (80% affordable rent and 20% shared ownership)
- Loss of Open Space (not playing fields) contribution £412,216
- Canalside Improvements contribution £60,000
- Road Safety measures £20,000
- Targeted recruitment and training
- Management company for communal areas including any unadopted roads
- For all dwellings completed within 3 years of the date of this committee on a pro-rata basis:
 - Pro-rata reduced off-site open space and play contribution of £307,784.
- For all dwellings completed after 3 years of the date of this committee on a pro-rata basis:
 - Off-site open space and play contribution pro-rata £368,824 is payable
 - Public Art pro-rata £161,000
 - Residential Travel Plan (£750 per dwelling)

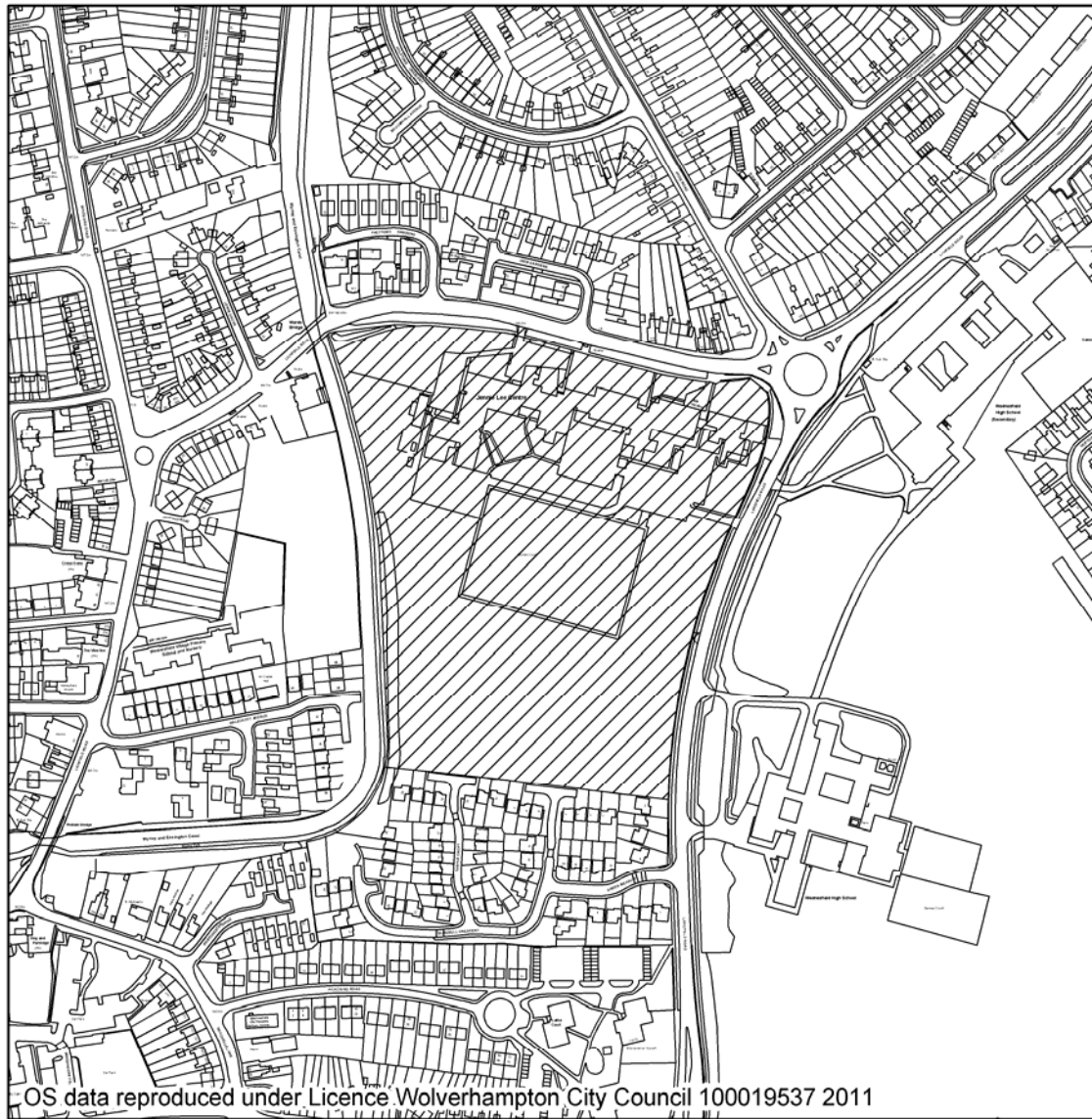
(iv) Any necessary conditions to include:-

- Limit maximum number of dwellings to 200
- Floor plans of dwellings
- Limit minimum area of open space to 1.6 hectares
- Building recording prior to demolition
- Site waste management plan
- Renewable energy (10%)
- Follow-up badger survey (prior to commencement)
- Bat boxes/bricks
- Materials
- Landscaping (including hard and soft features in the SUDs area)
- Ecology Walkover and Phase 1 Habitat Survey
- Acoustic Survey
- Residential travel plan
- Measures to protect residents during construction including hours of construction
- Levels (existing and proposed)
- Site investigation report
- Tree Report
- Tree survey and report
- Drainage (including details of SUDs sufficient to reduce surface water flows back to equivalent greenfield rates)
- Details of replacement playing fields scheme (including associated changing rooms and parking facilities)
- Planning permission shall have been granted and a contract let for the construction of the replacement playing fields.
- A management and funding plan for the replacement playing fields shall be submitted for approval
- Details of replacement Artificial Grass Pitch and a management plan
- On site open space scheme
- Cycle Parking (apartments)
- Refuse storage (apartments)
- Boundary Treatment

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: 11/00627/OUT

Location	Jennie Lee Centre, Lichfield Road, Wednesfield, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 394941 300650
Plan Printed	20.01.2012	Application Site Area	67962m ²

- 2.4 The block to the east of the proposed access would provide 'close care'. The applicants state that these units would allow the privacy of a separate residence whilst still providing the safe environment of community living.

3. Planning History

- 3.1 Two applications for similar uses on this site have been previously submitted. Although no objections were raised regarding the proposed uses, the design and potential traffic impacts were considered unacceptable.
- 3.2 07/00015/OUT- Land at Rookery Lodge, Woodcross Lane, Lanesfield, Wolverhampton. Erection of 60 bedroom nursing home. Withdrawn.
- 3.3 04/2170/OP/M-Rookery Lodge Nursing Home, Woodcross Lane, Woodcross. Redevelopment of site to create 'care village' for the elderly Refused 2nd of May 2005.

4. Constraints

- 4.1 Authorised Processes
Landfill Gas Zones
Mining Area

5. Relevant policies

5.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport
PPG14 Development on Unstable Land

5.2 Black Country Core Strategy Policies

- CSP4 Place Making
CSP5 Transport Strategy
EMP5 Improving Access to the Labour Market
TRAN2 Managing Transport Impacts of New Development
ENV3 Design Quality
ENV7 Renewable Energy
ENV8 Air Quality
WM1 Sustainable Waste and Resource Management
WM5 Resource Management and New Development

5.3 UDP Policies

- 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
D11 Access for People with Disabilities part

- D13 Sustainable Development Natural Energy
- D14 The Provision of Public Art
- EP4 Light Pollution
- EP5 Noise Pollution
- EP8 Water Supply Arrangements for Development
- EP9 Sustainable Drainage Arrangements for Development
- EP11 Development on Contaminated or Unstable Land
- H11 Special Needs Accommodation
- H12 Residential Care Homes
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

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.
- 6.2 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.

7. Publicity

- 7.1 The Ward Members have given broad support to the proposal
- 7.2 Letters of concern have been received from six local residents. The main points of concern are:
- Proximity of the proposed buildings to existing residents
 - Proximity of the proposed parking areas to existing residents
 - Proximity of bin store to existing residents
 - The development would increase the amount of traffic using Woodcross Lane
 - Concern about the risk of subsidence and landslip plus concerns about mineshafts

8. Internal Consultees

- 8.1 Environmental Services – No objection in principle. The detail of the scheme would be considered when reserved matters are submitted. However, due to the proximity of existing residents, delivery vehicles and refuse collections should be limited to 0800-1800 Mon to Fri, 0800-1300 Saturday and not at all on Sundays and Bank Holidays.
- 8.2 Due to the potential for road traffic noise, all habitable rooms facing onto or at right angles to Woodcross Lane should be fitted with glazing capable of achieving a sound reduction of 33dB. Acoustically trickle vents should also be installed to all habitable rooms facing onto or at right angles to Woodcross Lane.
- 8.3 Due to the potential of low level contamination from colliery spoil, a layer of 300mm of clean topsoil should be used in the proposed gardens. This can be conditioned.

8.4 Transportation – The illustrative access and parking arrangements are acceptable. However, due to measured traffic speeds on Woodcross Lane it is essential that suitable visibility splays are provided. Due to the number of proposed staff, a Work Place Travel Plan should be required to encourage sustainable travel. This can be conditioned. The proposal would not have any unacceptable impact on existing traffic flows on Woodcross Lane.

8.5 Ecology – No objection provided that the development is carried out in accordance with the submitted Ecological Survey and the mitigation measures contained within it.

9. External consultees

9.1 Police – No objections to the proposed development.

9.2 Fire Service – No objection to the proposed development.

9.3 Severn Trent – No objection in principle subject to a condition requiring the submission of a detailed drainage strategy.

9.4 Environment Agency – No objection provided that the development is carried out in accordance with the submitted Flood Risk Assessment and mitigation measures contained within it.

9.5 The Coal Authority are satisfied with the remedial measures set out in the submitted Coal Mining Risk Assessment.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/16012012/U).

11. Appraisal

11.1 In determining this application the main issues are:

- Economic prosperity
- Principle of proposed development
- Design
- Residential amenity
- Car parking & access
- Energy, Waste and Mining

Economic Prosperity

11.2 The Black Country Core Strategy (BCCS) envisages and supports the creation of an economically prosperous Black Country.

11.3 This proposal supports that aim in redeveloping a site which has been vacant for several years back into use. The development would create jobs during and post construction and represent a significant investment into the City. The proposal would accord with the aims of the BCCS.

Principle of Proposed Development

11.4 The site is suitable for a form of residential development as area is predominantly residential. The site also has reasonably good access to local services (it is within 50m of a parade of shops on Childs Avenue) and direct public transport links to Bilston

Town Centre and the City Centre. For these reasons the site for a 'Care Village' would be a suitable and sustainable use of the site and in accordance with the development plan.

- 11.5 There is a lack of clarity regarding the proposed 'close care' residential units, which would accommodate 'active elderly' who are not in need of care. Whilst there would be no objection to these being for either a C2 'residential institution' use or as C3 'dwelling houses' there would be a requirement for S106 obligations for more than nine C3 units. As no S106 is offered the number of C3 units should be restricted to a maximum of 9 by condition.

Design

- 11.6 All matters of detail are reserved for subsequent approval. The details provided are illustrative only.
- 11.7 The proposed layout illustrates an efficient use of space, with relatively clear definition of public and private realms. Active frontages are shown to Woodcross Lane and the communal gardens help to secure existing private gardens around the perimeter of the site.
- 11.8 In relation to the proposed scale, the surrounding area is predominantly characterised by two storey buildings although the local parade of shops along Childs Avenue are three storeys high. The illustrative scale of the proposed development is reflective of the surrounding building heights, with both two and three storey elements proposed. This is acceptable in principle.

Residential Amenity

- 11.9 In the illustrative proposal all residents would have access to private communal amenity areas as well as communal lounge areas. The shape and size of the proposed amenity space would make it usable for the future residents.
- 11.10 Illustrative sections have been submitted which show that, despite the sloping nature of the site, the position of the proposed buildings would not have an unacceptable impact on existing residents in respect of privacy, daylight or outlook. Detailed drawings would be considered through subsequent reserved matters submissions.

Car Parking & Access

- 11.11 The proposed development would not have an unacceptable impact on existing traffic flow. The illustrative access and parking arrangements are acceptable. Detailed parking and access arrangements would be considered through subsequent reserved matters submissions.

Energy, Waste and Mining

- 11.12 BCCS policy ENV7 'Renewable Energy' includes the requirement for major developments to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This requirement can be conditioned.
- 11.13 BCCS policies WM1 'Sustainable Waste and Resource Management' and WM5 'Resource Management and New Development' requires the submission of details of what material resources will be used in major developments and how and where the waste generated will be managed. This can be conditioned.
- 11.14 There are records of mineshafts on the application site and a Coal Mining Risk Assessment has been submitted. The Coal Authority have considered the risk assessment and are satisfied that the remedial measures set out are appropriate. The proposed measures can be conditioned.

12. Conclusion

- 12.1 The proposed use of the site as a 'care village' is acceptable in principle. The illustrative design of the proposal is acceptable. The scheme is broadly acceptable in highway terms.
- 12.2 The illustrative details show that the residential amenity of existing residents can be preserved.
- 12.3 The proposed development is socially beneficial and has the potential to transform a currently derelict site, providing jobs during and after construction.
- 12.4 Subject to approval of matters of detail at the reserved matters stage, the proposal is in accordance development plan policies D3, D4, D5, D6, D7, D8, D9, D10, D11, D13, EP5, EP9, EP11, H11, H12, AM12 and AM15.

13. Recommendation

- 13.1 That the Interim Strategic Director of Education and Enterprise grant planning application 11/00639/OUT subject to any necessary conditions to including:
- Landscaping implementation
 - Drainage
 - Levels
 - Floor plans
 - External lighting
 - Details of cycle/motorcycle stores
 - Travel Plan
 - Details of measures to reduce impact of construction on neighbours
 - Amenity space provided as shown
 - 10% renewable energy
 - Site remediation
 - Site waste management plan
 - Restriction on hours of servicing and refuse
 - No more than nine C3 units
 - Undertake remedial measures in Coal Mining Risk Assessment
 - Undertake requirements in Flood Risk Assessment
 - Undertake recommendation within Ecological Survey
 - Acoustic measures
 - Public Art

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

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: 11/00639/OUT

Location	Land Between 68 And Woodcross Health Centre, Woodcross Lane, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393342 294906
Plan Printed	20.01.2012	Application Site Area	10414m ²

Conditions attached to this permission would require that all applications for Reserved Matters are submitted by the 19th of June 2012 and that they are implemented no later than two years after the final approval of reserved matters.

- 2.4 This proposal does not seek to amend or change any of the proposals for the site or the proposed uses of the development as previously approved, but seeks a further ten years, from the date of any renewal, in order to submit Reserved Matters and implementation of the scheme within either 10 years or 2 years from the date of approval of the last Reserved Matters.

3. Planning History

- 3.1 05/1989/OP/M. Outline proposal for a "Mixed use development comprising residential, local retail, community and ancillary uses. Granted, 20th of June 2007.
- 3.2 09/00892/REM. RM1 - Development of local neighbourhood centre, comprising convenience store and associated landscaping/parking. Granted 28th of April 2010.
- 3.3 10/01388/REM. Reserved Matters application pursuant to outline planning permission 05/1989/OP for erection of 314 dwellings. Granted 2nd of March 2011.
- 3.4 11/00891/FUL. Erection of restaurant/public house (Class A3/A4) with ancillary residential accommodation at first floor and associated external play area, together with means of access, including amendments to the site spine road, car parking (77 spaces), landscaping and ancillary works. Granted 17th of November 2011.

4. Constraints

- 4.1 Authorised Process
Mining Advice Area
Tree Preservation Order

5. Relevant policies

- 5.1 Black Country Core Strategy

CSP4 Place Making
CSP5 Transport Strategy
DEL1 Infrastructure Provision
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility
TRAN2 Managing Transport Impacts of New Development
ENV2 Historic Character and Local Distinctiveness
ENV3 Design Quality
ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island
ENV8 Air Quality
WM5 Resource Management and New Development

- 5.2 Wolverhampton's Unitary Development Plan

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
- D11 Access for People with Disabilities part
- D13 Sustainable Development Natural Energy
- EP1 Pollution Control
- EP3 Air Pollution
- EP8 Water Supply Arrangements for Development
- EP9 Sustainable Drainage Arrangements for Dev
- EP11 Development on Contaminated Unstable Land
- HE1 Preservation of Local Character and Dist
- N1 Promotion of Nature Conservation
- H6 Design of Housing Development
- H8 Open Space, Sport and Rec. Req. new Dev.
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

5.3 National Planning Policies

- PPS1 Delivering sustainable development
- PPS3 Housing
- PPG13 Transport
- PPG14 Development on unstable land.
- PPS23 Planning and pollution control
- PPG24 Planning and noise
- PPS25 Development and flood risk

5.4 Supplementary Planning Documents

SPG3 - Residential Development

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.

6.2 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.

7. **Publicity**

7.1 No comments received.

8. **Internal consultees**

8.1 Transportation – No objections to the proposal.

8.2 Environmental Services – No objections to the extension of time for submission of reserved matters.

9. External consultees

9.1 Environmental Agency – Comments awaited.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/16012012/H)

11. Appraisal

11.1 Key issues:

- i) The principle of development in relation to the current development plan, any changes to planning law and any other material considerations.
- ii) Planning Obligations
- iii) Fall back position

The principle of development in relation to the current development plan, any changes to planning law and any other material considerations.

11.2 Apart from the implementation of the Aldi and the first houses there has been relatively little physical change to the development site or its immediate surroundings since the determination of the outline application. However, the planning policy landscape has altered.

11.3 The most significant change to the development plan has been the adoption of the Black Country Joint Core Strategy in February 2011. This document does not impact on the acceptability of the proposed scheme. However, the Core Strategy does include Policy ENV7, which requires 10% renewable energy generation. This requirement can be conditioned on grant of planning permission and will apply to those phases which are unimplemented.

Planning Obligations

11.4 Planning permission 05/1989/OP was subject to a S106 agreement which included:

- affordable housing
- public open space and play contribution
- training and employment
- development of the retread facility,
- education provision,
- neighbourhood centre,
- highways,
- the sports and social club,
- nature conservation
- commencement and phasing
- the clock tower.

11.5 Site wide requirements of the S106 have either been addressed or remain in place. The nature of this proposal does not impact on the scope of any of the previously agreed arrangements. However, a new legal agreement will be required to ensure that this permission is bound by the requirements of the original agreement.

Fall Back Position

- 11.6 A fall back position, should the application be considered for refusal, is that the outline application (05/1989) would expire on the 12th of June 2012. Those parts of the site where a reserved matters application has not been submitted would then be without an extant planning permission.

12. Conclusion

- 12.1 This application, to extend the time limit for the submission of reserved matters and implementation of the final phases, would allow for a completion of the development over a more realistic timeframe given the current economic conditions.
- 12.2 There has been no significant material change in circumstances since the previous grant of planning permission which would affect planning permission being renewed.
- 12.3 Although there have been some changes in planning policy since the determination of the application, the scheme is still considered to be a good one which would benefit the area, transforming a currently derelict site, providing jobs during construction and good quality homes upon completion.
- 12.4 Having taken into account all the planning issues it is considered that the positive planning benefits of the development, justify an extension of the time period for submitting Reserved Matters and implementing the proposed development, in order to further support the development of the site.
- 12.5 This proposal is an important piece in the regeneration of Wolverhampton and is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, D10, D11, H6, H9 AM1, AM12, AM15. BCCS policies HOU2, CSP4, ENV3, WM5, ENV5 and Supplementary Planning Guidance 3 'Residential Development'.

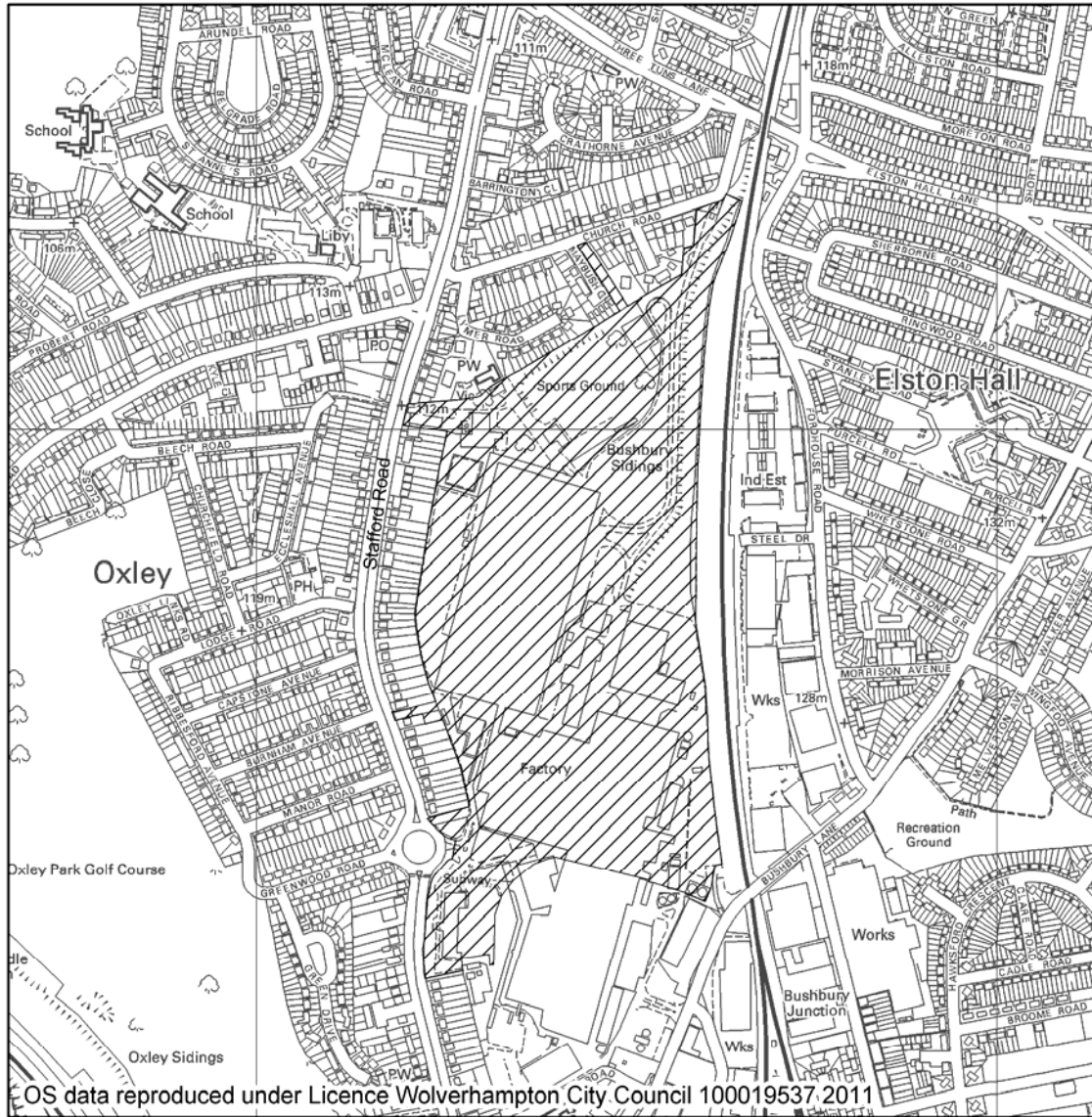
13. Recommendation

- 13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 11/01022/EXT subject to:
- (i) Negotiation and completion of a S106 to bind this application to requirements of application 05/1989/OP
 - (ii) Conditions to include:
 - Relevant conditions from outline application 05/1989/OP
 - Ten years, from the date of any renewal, to submit Reserved Matters and implementation within either 10 years or 2 years from the date of approval for the last Reserved Matters submission.
 - 10% Renewable Energy

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

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: 11/01022/EXT

Location	Former Goodyear Tyre Factory, Stafford Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391449 301536
Plan Printed	20.01.2012	Application Site Area	282876m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/00072/OUT

WARD: Bilston East

DATE: 01-Apr-11

TARGET DATE: 01-Jul-11

RECEIVED: 26.01.2011

APP TYPE: Outline Application

SITE: Land To The Rear Of Works And Telephone Exchange, Railway Drive, Bilston, Wolverhampton

PROPOSAL: Outline application with landscaping reserved. Erection of 35 apartments and car parking. (Amended Plans)

APPLICANT:

Mr Kal Jakhu
P & R Engineering Limited
Unit 51 Cable Street
Wolverhampton

AGENT:

Mike Coleman
Mike Coleman & Associates
317A Dudley Road
Blakenhall
Wolverhampton
WV2 3JY

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located south of the Black Country Route, close to the Oxford Street Island. Bilston Town Centre is on the opposite side of the Black Country Route. To the south-west is the Metro line and to the south east is commercial development fronting onto Brook Street. Railway Drive, a cul-de-sac currently closed to vehicles, runs northward from Brook Street between the Metro line and the sites south-western boundary.
- 1.2 The site has been vacant for many years and has been reclaimed by nature. It is at a lower level than the Black Country Route. Mature trees along the northern boundary screen the site from that direction

2. Application Details

- 2.1 This is an outline application but with only landscaping reserved for later approval. Details of layout, scale, external appearance and means of access are all submitted for approval at this stage.
- 2.2 The application proposes a three storey V-shaped perimeter block of 35 dual aspect flats. In the centre of the site is proposed amenity space and a car park with 27 spaces, accessed via a private drive off Railway Drive.
- 2.3 The exterior of the building would be of brick and render.

3. Planning History

- 3.1 06/0740/DW/C. Outline application for use of site to provide either light industrial/general industrial (Use class B1/B2). Granted 3rd August 2006.

4. Constraints

- 4.1 Authorised Processes
Coal Mining
Mineral Safeguarding Area

5. Relevant Policies

- 5.1 Black Country Core Strategy

CSP4 Place Making
CSP5 Transport Strategy
DEL1 Infrastructure Provision
HOU1 Delivering Sustainable Housing Growth
HOU2 Housing Density, Type and Accessibility
TRAN2 Managing Transport Impacts of New Development
ENV2 Historic Character and Local Distinctiveness
ENV3 Design Quality
ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island
ENV8 Air Quality
WM5 Resource Management and New Development
EMP5 Improving Access to the Labour Market

- 5.2 Wolverhampton's Unitary Development Plan

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
D11 Access for People with Disabilities part
D13 Sustainable Development Natural Energy
EP1 Pollution Control
EP3 Air Pollution
EP8 Water Supply Arrangements for Development
EP9 Sustainable Drainage Arrangements for Dev
EP11 Development on Contaminated Unstable Land
HE1 Preservation of Local Character and Dist
N1 Promotion of Nature Conservation
H6 Design of Housing Development
H8 Open Space, Sport and Rec. Req. new Dev.
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security

- 5.3 National Planning Policies

PPS1 Delivering sustainable development
PPS3 Housing

PPG13 Transport
PPS23 Planning and pollution control
PPG24 Planning and noise
PPS25 Development and flood risk

5.4 Supplementary Planning Documents

SPG3 - Residential Development

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.

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 objection from a business on an adjoining site, on the grounds that the proposals would compromise the ability for future development on that site.

8. Internal Consultees

8.1 **Transportation Development** – Request amended car park layout, provision of a footway along the building frontages, cycle and refuse storage.

8.2 **Ecology** – No objection subject to conditions requiring the development to be carried out in accordance with the recommendations of the ecology survey.

8.3 **Trees** - No objection subject to conditions relating to tree protection.

8.4 **Environmental Services** – No objection subject to conditions requiring contaminated land remediation, refuse storage, submission of a noise report and an acoustic attenuation scheme for glazing and ventilation and submission of a air quality report and a scheme for mitigation.

9. External Consultees

9.1 **Severn Trent Water Ltd** - No objection subject to a condition requiring the submission of sustainable drainage details including an assessment of the hydrological and hydrogeological context.

9.2 **GPU Power Distribution and Centro** – No objection.

9.3 **Environment Agency** – Comments awaited.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (KR/19012012/F).

11. Appraisal

- 11.1 Key issues:

- Economic Development
- Acceptability of residential use
- Design
- Noise and air quality
- Access and Parking
- Renewable Energy, Waste and Sustainable Drainage
- S106 Requirements

Economic Development

- 11.2 The Black Country Core Strategy (BCCS) envisages and supports the creation of an economically prosperous Black Country.

- 11.3 The proposal is an opportunity to bring a site that has been vacant for several years back into use. The construction of the development would create new jobs and involve a significant investment in the site. The proposal accords with the aims of the BCCS.

Acceptability of Residential Use

- 11.4 The site is not allocated for any specific use in either the UDP or BCCS and a residential use would therefore be appropriate in principle.

Design

- 11.5 The proposed scale, layout and external appearance are acceptable and in accordance with UDP policies D5, D7, S8, D9, H6 and BCCS policies CSP4, ENV3 and HOU2.

Noise and Air Quality

- 11.6 There are air quality and noise concerns due to the proximity of the site to the Black Country Route, Midland Metro and a printing works to the south east of the site. Subject to conditions requiring the submission of noise and air quality assessments and the implementation of any required mitigation measures, a satisfactory level of residential amenity could be achieved, in accordance with UDP policies EP1, EP5 and BCCS policy ENV8.

Access and Parking

- 11.7 The site layout includes an adequate number of car parking spaces. However, the applicant has been requested to submit revised details that indicate the following:

- Provision of a footpath along the building frontages
- Alterations to the car parking layout to ensure satisfactory vehicular access and manoeuvring areas
- Provision of cycle parking

- 11.8 Subject to receipt of satisfactory details, the proposals would be in accordance with UDP policies AM12, AM15 and BCCS policy TRAN2.

Renewable Energy, Waste and Sustainable Drainage

- 11.9 BCCS policy ENV7 "Renewable Energy" includes the requirement for major developments to incorporate the generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This can be required by condition.

11.10 BCCS policy WM1 “Sustainable Waste and Resource Management” and WM5 “Resource Management and New Development” require the submission of details of what material resources will be used in major developments and how and where the waste generated will be managed. This can be required by condition.

11.11 BCCS policy ENV5 “Flood Risk, Sustainable Drainage Systems and Urban Heat Island” requires that applicants demonstrate that they have considered the potential for sustainable drainage (SUDS). This information can be required by condition.

S106 Contributions

11.12 There is a requirement for a S106 agreement to secure:

- 25% Affordable housing (UDP policies H6 and H10)
- BCIS Indexed financial contribution of £114,392.92 towards off site open space and play (UDP policy H8).
- Public art (UDP policy D14 and BCCS policy CSP4)
- Targeted recruitment and training (BCCS policy EMP5)
- Management company for communal areas

11.13 However, the agents state that the site was purchased at the height of the property boom and given the current market, its development would not be financially viable. They are therefore seeking a waiving or relaxing of the S106 obligations.

11.14 On 11th November 2009 and 23rd March 2011 Cabinet endorsed a flexible and proactive approach to planning obligations, in response to the economic downturn. In order to justify a reduction in the normal S106 requirements, the applicants have been invited to submit a financial viability appraisal to demonstrate their case.

11.15 If a reduction in normal S106 requirements on financial viability grounds is justified, such a reduction should be time limited, to encourage early development and in case viability improves over time. It is therefore recommended that a reduced public open space and play contribution should apply on a pro-rata basis to any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation. As the proposed development is a single block of flats, it is recommended that any reduction in affordable housing or public art requirement should apply to the development as a whole providing that the exterior of the building is completed and at least 21 of the flats are ready for occupation within 3 years of the date of this Committee, and the full requirement applying if this is not achieved. It would be open for the developer to seek a future reduction in S106 requirements through a deed of variation supported by a financial viability appraisal at that time.

12. Conclusion

12.1 Residential development is acceptable in principle. The details of the proposal are broadly acceptable. The development would be in accordance with development plan policies subject to resolution of the following outstanding matters and a S106 and conditions as recommended:

- Requirement to provide a footpath along the building frontages.
- Alterations to car parking layout
- Provision of cycle parking.
- Environment Agency comments

13. Recommendation

13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 11/00072/OUT subject to:

1. Resolution of outstanding matters and no overriding objection from neighbours or the Environment Agency.
2. The completion of a S106 agreement to secure:

For the whole development:

- Targeted recruitment and training
- A management company to carry out management and maintenance of communal areas

If the development is financially viable:

- Public open space/play contribution of £114,392.92
- 25% affordable housing
- Public art

If the development is not financially viable:

- Reduced public open space and play contribution (amount based on financial viability) on a pro-rata basis for any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation.
- Reduced affordable housing or public art requirement (amount based on viability) shall apply to the development as a whole providing that the exterior of the building is completed and at least 21 of the flats are ready for occupation within 3 years of the date of this Committee, with the full requirement applying if this is not achieved.

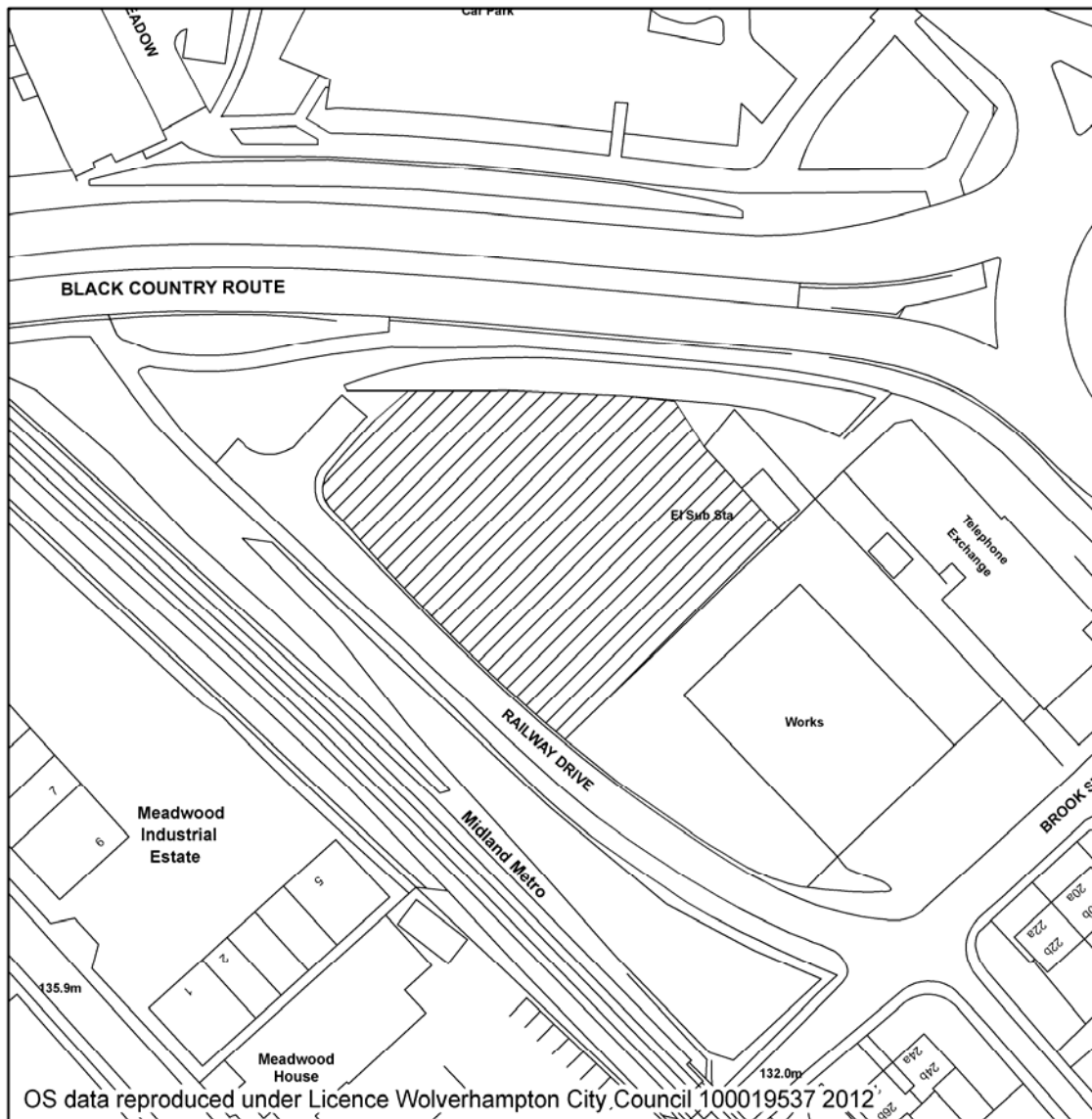
3. Any necessary conditions to include:

- Access road construction details
- External lighting
- Landscape implementation
- Tree protection
- Ground investigation and remediation
- Noise / Air Surveys and implementation of mitigation works
- Levels (existing and proposed)
- Implement ecological recommendations
- Cycle and motorcycle parking
- Refuse storage
- Provision of boundary treatments and gates to car park
- Site waste management plan
- 10% Renewable Energy
- Drainage

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: 11/00072/OUT

Location	Land To The Rear Of Works And Telephone Exchange, Railway Drive, Bilston, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395212 296290
Plan Printed	20.01.2012	Application Site Area	2765m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/01042/FUL

WARD: St Peters

DATE: 13-Oct-11

TARGET DATE: 08-Dec-11

RECEIVED: 13.10.2011

APP TYPE: Full Application

SITE: 16-16A Darlington Street, Wolverhampton, WV1 4HW

PROPOSAL: New shopfront at 16 Darlington Street and four windows bricked up to the side elevation of 16A Darlington Street

APPLICANT:

Mr Paramjit Aulakh
2A Wergs Road
Wolverhampton
WV6 8TD

AGENT:

Mr Eric Hudson
Morningwood
St Michael's
Tenbury Wells
Worcester
WR15 8TG

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site comprises two adjacent retail units located within the city centre; number 16 is a post office and 16a is currently vacant. Its last use was a travel agent (A1).
- 1.2 The unit at 16a has a recessed shopfront, with no architectural merit. The shopfront entrance is stepped back, with the door recessed 3m from the pavement. The unit at 16 has a traditional bay shopfront, which is adjacent to the pavement.
- 1.3 The side elevation of number 16 is located in Townwell Fold – a narrow passage connecting Darlington Street and Skinner Street. At ground floor level there are three doors and four windows on this elevation. There are six windows at first floor, one at second floor and one at third floor.

2. Application details

- 2.1 The application is to brick infill four ground floor windows and one door on the side extension of the existing unit at 16 and a new shopfront at 16a.

3. Planning History

- 3.1 No relevant planning history.

4. Constraints

Wolverhampton City Centre Conservation Area

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D7 - Scale - Height

D9 – Appearance

D10 – Community Safety

AM1 - Access, Mobility and New Development

AM9 - Provision for Pedestrians

HE1 - Preservation of Local Character and Distinctiveness

HE3 - Preservation and Enhancement of Conservation Areas

HE4 - Proposals Affecting a Conservation Area

HE5 – Control of Development in a Conservation Area

Other relevant policies

5.2 PPS5 – Planning for the Historic Environment

5.3 Wolverhampton's Supplementary Documents

SPG7 – Shopfront Design Guide

5.5 Black Country Core Strategy

ENV1 – Design Quality

CSP4 – Place Making

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

7.3 Six objections have been received.

7.4 Objections have been made on the following planning grounds:

- (i) detrimental impact on the conservation area
- (iii) out of character
- (ix) unacceptable visual impact
- (x) detrimental impact on city centre

8. Internal Consultees

8.1 **Historic Environment** – no objections. Brickwork is to be recessed within the opening to maintain the evidence of the original doorway. The large scale joinery details

submitted are acceptable and the proposed materials . 'Townwell Bespoke Blend' or 'Weathered Red' bricks are acceptable for the window infill and 'Old Victorian Pressed Medium Light Standard Weathering' are acceptable for the shopfront.

9. External Consultees

Wolverhampton History And Heritage Society – no comments received.

West Midlands Police – letter of support for the proposal due to advised attempted break-in.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications.

10.2 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. (LD/100122012/V)

11. Appraisal

11.3 The key issues to consider are:

- Impact on Character and appearance of Conservation Area
- Community Safety

Impact on Character and Appearance of Conservation Area

11.4 There are two elements to the proposal – the brick infill of the windows and door in the side elevation of 16 Darlington Street and the new shopfront at 16a.

11.5 The bricks would be set back from the existing window recess, therefore keeping the outline of the existing, original, windows and door. In addition, there would not be any loss of windows at first, second or third floor level, ensuring that this side elevation would still retain original window detailing and not appear as a large blank feature. The affected elevation faces Townwell Fold and is only partially visible from Darlington Street. A number of the existing ground floor windows have been smashed, and internal metal grilles are partially visible through these. Therefore, the proposal to brick up the windows and door would not have a detrimental impact on either the character or appearance of the building or the conservation area in which it is set.

11.6 The proposed new shopfront would be of the same bay design as the adjacent existing shopfront at 16 Darlington Street. The proposed scheme would enhance the appearance of the existing street conservation area as it would return the shopfront to a traditional design, complementing that of the existing adjacent unit. Therefore, both elements of the scheme would comply with BCCS policies ENV3 and CSP4 and UDP policies HE1, HE3, HE4 and HE5.

Community Safety

- 11.5 The applicant has advised that there have been several attempted break-ins at the site, hence the application to brick up a number of the ground floor windows. A consultation response received from West Midlands Police supports the application and confirms that the applicant has reported attempted intruders at the site. Therefore, this element of the proposal would comply with UDP policy D10.

12. Conclusion

- 12.1 The brick infill of four windows and a door on the side elevation of 16 Darlington Street would not detract from the character or appearance of the existing building or the conservation area in which it is set.
- 12.2 The proposed new shopfront would enhance the character and appearance of both the existing building and the conservation area as it would complement the original appearance of the building and the existing shopfront at the adjacent unit.

13. Recommendation

Grant subject to any necessary conditions to include:

- Approval of submitted materials

Case Officer : Ms Ann Wheeldon

Telephone No : 01902550348

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: 11/01042/FUL

Location	16-16A Darlington Street, Wolverhampton, WV1 4HW		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391245 298627
Plan Printed	20.01.2012	Application Site Area	272m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/01063/VV **WARD:** Graiseley
DATE: 09-Nov-11 **TARGET DATE:** 04-Jan-12
RECEIVED: 09.11.2011
APP TYPE: Vary of Condition(s) of Previous Approval

SITE: 13 - 15 Birches Barn Road, Wolverhampton, WV3 7BW

PROPOSAL: Variation of conditions 12 and 13 of planning permission 10/01070/FUL to allow the opening of the premises to customers from 0700 to 2200 hours Monday to Sunday (including Bank Holidays) and the delivery of goods and collection of goods/refuse from 0700 to 1900 hours Monday to Saturday and 0800 to 1200 on Sundays and Bank Holidays.

APPLICANT:

Mr S Hill
Simon Developments
Pelham Works
Pelham Street
Wolverhampton
WV3 0BJ

AGENT:

Mr I Che Dan
ID Architects (Midlands) Ltd
Lychgate House
Pattingham
South Staffordshire
WV6 7BQ

COMMITTEE REPORT:

1. **Site Description**

- 1.1 The application site contains a single storey retail building, 13 Birches Barn Road and a two storey semi-detached property 15 Birches Barn Road. 13 Birches Barn Road current operates as garden centre with 15 forming a hairdresser with ancillary office space above.
- 1.2 The existing garden centre has an unrestricted retail use. There are no current planning conditions which restricted its hours of opening or delivery/collection of refuse.
- 1.3 Bradmore Local Centre is located approximately 50m to the north-west. This centre contains a public house, community centre and a variety of food outlets and retail units.
- 1.4 The land use in the immediate vicinity of the site is predominantly residential. Inglewood Court, a shelter housing facility is located to the south-west (rear) of the site. The majority of other surrounding properties are semi-detached or terraced dwellinghouses.
- 1.5 Planning permission was granted for the redevelopment of the site and the erection of a retail store in May 2011. This development has not yet commenced.

2. **Application details**

- 2.1 This application was deferred at last committee to enable members to make a site visit.

- 2.2 The application has been made to vary the conditions of planning permission 10/01070/FUL in respect of the hours of opening and the delivery and collection of refuse.
- 2.3 The hours of opening were conditioned to 0700 – 2100 hours Monday to Saturday and 1000 – 1600 on Sundays including Public and Bank Holidays. The application proposes to vary the hours of opening to 0700 – 2200 Monday to Sunday including Public and Bank Holidays.
- 2.4 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. Initially 0800 – 1200 hours was proposed for Sundays and Bank or Public Holidays. Since the last Committee the applicant has proposed an alternative for Sunday delivery and refuse collection to between 10.00 – 14.00 hrs and the erection of suitable acoustic fencing along the rear boundary.
- 2.5 The following table sets out a summary of the original and proposed hours;

	Originally Conditions Hours (10/01070/FUL)	Proposed Hours (11/01063/VV)
Weekdays Opening	0700 – 2100 hours	0700 – 2200 hours
Sunday Opening	1000 – 1600 hours	0700 – 2200 hours
Weekdays Delivery/Collection	0800 – 1900 hours	0700 – 1900 hours
Sunday Delivery/Collection	None	1000 – 1400 hours

- 2.6 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.
- 2.7 It is stated that by the applicant that if permission cannot be obtained for the hours proposed then the necessary funding for the development will not be secured.

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

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
EP1 – Pollution Control
EP5 - Noise Pollution

Black Country Core Strategy

ENV3 – Design Quality

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** – Residential amenity is more sensitive to noise disturbance on a Sunday than any other day of the week due to ambient background noise levels compared to the rest of the week. It is also necessary to give nearby residents respite from the day to day delivery activities associated with the use. The potential for noise disturbance is therefore greater. Objections are therefore raised to any deliveries or collection of refuse on a Sunday.

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. LD/18012012/X

10. Appraisal

- 10.1 The key issue to consider is the potential impact that the proposed variation of hours for opening and the delivery/collection of goods would have on surrounding residential amenity. This needs also to be balanced against the prospect of the existing retail building and site being refurbished and extended.
- 10.2 The existing planning consent enables the redevelopment of the site. The layout of the existing site is rather ad-hoc and its proposed redevelopment would provide a more clear and effective layout. The position of the building to the rear of the site and car park to the front would reduce the potential for noise breakout affecting adjacent residents from on site activities when compared to the existing arrangement. Deliveries and collection of refuse would be to the side of the building towards to the rear of the site instead of wholly from the rear, as at present.
- 10.3 The proposed hours of opening would extend the existing permission by an hour, Monday to Saturday, and so 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.
- 10.4 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 of opening 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.
- 10.5 The proposed hours of delivery and collection of refuse Monday to Saturday are also considered reasonable as they would similarly not impact on residential amenity to an unacceptable degree compared to the hours already permitted.
- 10.6 Environmental Services have objected to deliveries and collection of refuse on a Sunday as this is the most sensitive day of the week given the ambient noise levels compared to the rest of the week and it is felt that residents should have some respite on this day.
- 10.7 The applicants have stated that if permission cannot be obtained for the hours proposed for delivery and collections on Sundays, (10.00 hrs – 14.00hrs) then the necessary funding for the development will not be secured and an alternative solution in the form of an extension of the existing building will be explored.
- 10.8 The redevelopment of the site would represent significant investment and make improvements to the visual amenity. It would also reduce the potential for noise outbreak by reason of the buildings proposed location to the rear and car parking to the front of the site. It is considered that the fallback option of re-furbishing and extending the existing building for retail use with unrestricted hours of opening/delivery has the potential to cause greater detriment to neighbour amenity in the long term.
- 10.9 In the interests of securing the redevelopment of the site it is considered that a window for deliveries on a Sunday could be allowed between the hours of 10.00 and 14.00

without causing significant detriment to neighbour amenity subject to the receipt of a report on proposed acoustic fencing details to demonstrate that it would effectively reduce the potential for noise outbreak from the side and rear of the site where deliveries and collection of refuse occur.

- 10.10 Subject to the receipt of satisfactory and effective acoustic fencing report and details, the proposed variation of condition is therefore considered acceptable in respect of UDP policy EP1 and EP5.

11. Conclusion

- 11.1 Taking into account the potential improvements to the site layout and aesthetic benefits gained from the redevelopment of the site (with appropriate acoustic fencing) against extending and refurbishing the existing building, it is considered that the application to vary the permitted hours of opening and for delivery/collection of refuse is appropriate.
- 11.2 It is not considered that the proposed variation of hours of opening would adversely affect residential amenity to an unacceptable degree and that the proposed installation of acoustic fencing to the southern and eastern boundaries if shown to effectively reduce noise outbreak from the delivery/refuse collection area of the site would also be acceptable. The proposals to vary the hours of opening and for delivery/collection of refuse would then be satisfactory in respect of UDP policy EP1 and EP5.

12. Recommendation

- 12.1 That the Interim Director of Education and Enterprise be given delegated authority to grant planning application 11/01063/VV subject to:
- (i) The receipt of satisfactory report on proposed acoustic fencing and condition its installation
 - (ii) Variation of conditions 12 and 13 to the proposed hours referred to in paragraph 2.5
 - (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	20.01.2012	Application Site Area	1442m ²

PLANNING COMMITTEE - 31-Jan-12

APP NO: 11/00747/FUL **WARD:** Wednesfield North
DATE: 11-Aug-11 **TARGET DATE:** 06-Oct-11
RECEIVED: 29.07.2011
APP TYPE: Full Application

SITE: 36 Broad Lane North, Wolverhampton, WV12 5UA
PROPOSAL: Two storey front, side and rear extension, include a new porch and new roof.
(Amended plans received)

APPLICANT:
Mrs K Somal
36 Broad Lane North
Wolverhampton
WV12 5UA

AGENT:
Mr G Benning
82A Holyhead Road
Willenhall
WV13 2JR

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is on the east side of Broad Lane North, which is characterised by large detached properties within substantial plots.
- 1.2 The existing house on the site is a relatively small detached dwelling in comparison with other properties on the east side of the road. The existing dwelling has a frontage width of approximately 7.5m in a plot of 12.5m wide. The depth of the house is 8m. The plot depth from back of pavement edge to rear garden boundary is approximately 80m. A clearly defined building line is formed by the existing dwelling and the adjoining properties which are set back approximately 16m in their plots.
- 1.3 The existing three bedroom property has been vacant for a 12 month period. A large dual pitched roof double garage at the rear of the house on the boundary with 38 Broad Lane North has been demolished, adding to the look of neglect, and creating for a rather unattractive appearance in the street scene. The footprint of the garage measured 5.45m wide by 4.85m deep.
- 1.4 The west side of Broad Lane North is defined by 1970s style semi-detached dwellings.

2. Application details

- 2.1 The application proposes to extend the existing dwelling at the side, front and rear. In addition the proposals include a new porch, new roof and parking for three vehicles within the front garden space. The result of these additions would be a substantial enlargement of the existing house.
- 2.2 The three storey side extension has a width of 3.7m and extends back 4.5m of the existing house at ground floor. Due to a staggered rear elevation the first and second floors project 1.2m and 2.5m back of the existing house on the boundaries with 38 and 34 Broad Lane North respectively. The ground floor extension would have a pitched roof with roof tiles to match those of the replacement roof.

- 2.3 The proposals also include a small forward projection of 1m at the front of the dwelling. A new porch is proposed as part of the forward projection.
- 2.4 The eaves and ridge height of extended dwelling would be 0.8m and 0.7m greater respectively than the existing dwelling, thereby creating bedroom space within the roof.
- 2.5 The extended dwelling would have six bedrooms, three reception rooms and an internal garage with space for one vehicle.

3. Planning History

- 3.1 No planning history.

4. Constraints

- 4.1 Adjacent to Walsall Borough Council
Mining Areas (Building Consultancy) - Name: Ashmore Park
Opencast Mining (areas of interest) - Name: Area of Interest to Open Cast
Tree Preservation Order - TPO Ref: 06/00094/TPO

5. Relevant policies

- The Development Plan
- 5.1 Wolverhampton's Unitary Development Plan
 - D4 Urban Grain
 - D7 Scale – Height
 - D8 Scale - Massing
 - D9 Appearance
- 5.2 Black Country Core Strategy
 - CSP4 - Place Making
 - ENV3 - Design Quality

Other relevant policies

- 5.3 PPS1 – Delivering Sustainable Development
- 5.4 Wolverhampton's Supplementary Documents
 - SPG4 – Extension to Houses

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.
- 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 Twelve representations received from seven identifiable households. Objections raised are summarised below:

- Loss of light;
- Loss of privacy;
- Overlooking from first floor patio doors;
- Overdevelopment;
- Detrimental to the street scene;
- Out of character and scale
- Traffic generation;
- Parking;
- Visual impact;
- Development forward of the building line; and
- Inappropriate materials

8. Internal consultees

8.1 **Access Team** – Comments awaited

8.2 **Transportation** – No objections the parking provision is acceptable.

9. External consultees

9.1 **Walsall Council** – No observations

10. Legal Implications

10.1 General legal implications are set out at the beginning of the Schedule of planning applications.
(LD/16012012/E)

11. Appraisal

11.1 The key issues are: -

- Impact on Neighbours
- Setting in the street scene
- Design
- Parking

Impact on Neighbours

11.2 The proposed rear extension would project beyond 34 Broad Lane North by 1.6m at ground floor (owing to the existing 2.1m extension at the rear of no 34) and by 2.5m at first floor. At ground the rooms (closest to the application site) at the rear of no 34 are non-habitable, whilst at first floor the closest room is a bedroom. It is considered that the changes made by the applicants in reducing the depth of the extension at the rear on the upper floors, and the existence of a gap between the two houses of nearly 2m will ensure that there is not an issue regarding loss of privacy or overbearing at the rear of 34 Broad Lane North. The orientation of no 34, being south of the application site means that loss of light is not a significant consideration.

- 11.3 The ground floor extension adopts a slightly smaller footprint than the (now part demolished) double garage previously did; projecting beyond 38 Broad Lane North by 2m at ground floor.
- 11.4 At first floor the proposed projects 0.7m beyond the rear of 38 Broad Lane North which is deemed acceptable. An earlier iteration of the floor plans showed the upper floors extending 1.5m beyond the rear of 38 Broad Lane North, which combined with the proximity of the dwelling and the height of the proposed was considered to result in a loss of light to the bedroom at the rear of this property. Consequently this issue has been addressed.
- 11.5 The side extension of the proposed has a 0.7m distance from the boundary with 38 Broad Lane North. Thereby creating a gap of 1.5m between the proposed no 36 and the existing no 38 (excluding chimney breasts). Whilst this is considered to be relatively close in proximity neither wall has windows to habitable rooms and therefore loss of light or privacy is not a concern.
- 11.6 The frontward projection on the side with 38 Broad Lane North is level with the bay window which forms the principle elevation of this dwelling. The porch and this small frontward projection do not result in a loss of light or privacy deemed significant.
- 11.7 It is considered that the 35m distance between the front of the application site and the dwellings on the west side of Broad Lane North is sufficient, and therefore concerns of overlooking and loss of privacy caused by the proposed 7.5m high skylights within the roof are not considered significant.

Setting in the Street Scene

- 11.8 Broad Lane North is characterised by wide, double fronted detached houses, which fill the plots and therefore the proposals are consistent in the street scene. The proposed extensions would close the gap between 38 Broad Lane North and the host dwelling to 1.5m. This gap, although reduced, is deemed sufficient to maintain the definition of the two dwellings, allowing them both to 'breathe' within their respective plots.
- 11.9 A further consideration is the row of five large leylandii (approximately 10m in height) which form the boundary between the front gardens of the application site and 38 Broad Lane North. The existence of this established tree line screens the view of the gap between the two properties and therefore improves the acceptability of the street scene setting.

Design

- 11.10 The proposals retain the existing bay in the right hand side of the front elevation and mirror detail on the left hand side of the property with a first floor bay above the garage canopy (as viewed from the road). Bay windows are a strong design feature along this section of Broad Lane North and the proposals follow this characteristic.
- 11.11 The height and massing of the extended house are greater than the existing, however due to the hipped roof, size of the building plot, the set-back position provided by the large front garden and the character of the large detached properties, it is judged that the design and scale of the proposals are acceptable within their context.

Parking

- 11.12 The three parking spaces provided with the extended dwelling meet the parking standards in the UDP and are therefore deemed sufficient for a six bedroom property.

12. Conclusion

- 12.1 The proposals represent the extension of a vacant property which is in need of some modernisation to bring it back into habitable use. The proposals are considered to be sufficiently well designed to be in keeping with the street scene and the design context of Broad Lane North.
- 12.2 By virtue of the design of the rear of the property there are no significant issues of overlooking and loss of light to the rear of 34 and 38 Broad Lane North. In conclusion therefore the proposals represent an opportunity to bring a currently vacant dwelling back into occupation and are consistent with UDP policies D4, D7, D8, D9 and AM12, BCCS policy CSP4 and ENV3, and SPG3.

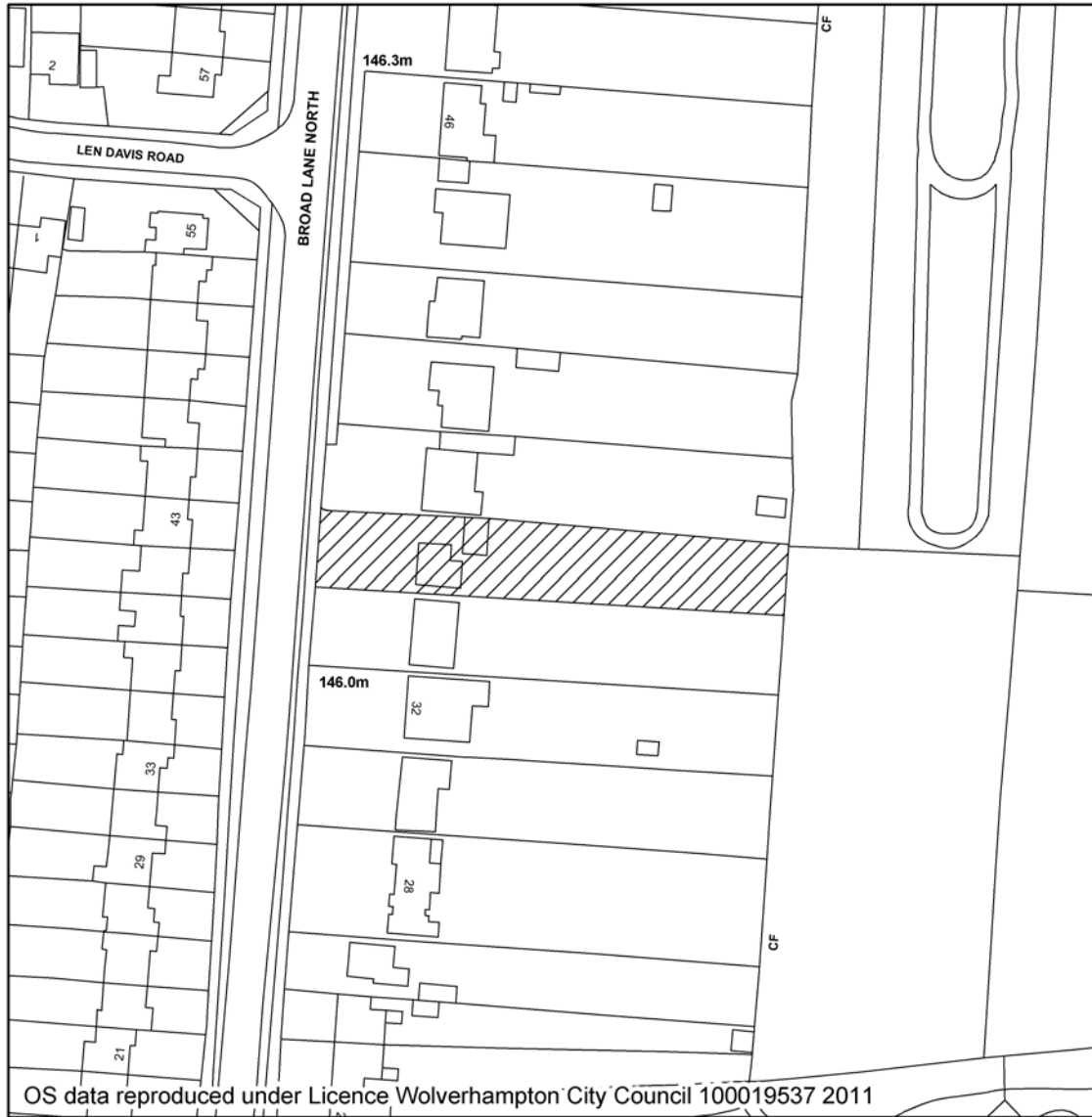
13. Recommendation

- 13.1 That planning application 11/00747/FUL be granted subject to any appropriate conditions including;
- Materials
 - Removal of PD rights in respect of the use of the garage
 - Restrict first floor patio doors and balcony at the rear of the house
 - Permission does not allow for the demolition of the existing dwelling.

Case Officer : Mr Andy Carter

Telephone No : 01902 551360

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: 11/00747/FUL

Location	36 Broad Lane North, Wolverhampton, WV12 5UA		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 396573 301041
Plan Printed	20.01.2012	Application Site Area	1012m ²