

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 27th March 2012
Originating Service Group(s)	REGENERATION AND ENVIRONMENT	
Contact Officer(s)	Stephen Alexander (Head of Planning)	
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 (27th March 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, any local finance considerations, so far as material to the 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. With regard to local finance considerations, this is a new provision that was introduced by the Localism Act 2011 and specific guidance will be given by officers where it is appropriate to have regard to matters of this nature in the context of the consideration of a planning application

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>
11/01153/FUL	16 Tynedale Crescent Wolverhampton WV4 6RH	Spring Vale	Page 7
10/01256/FUL	Former G And P Batteries Limited Site Grove Street Heath Town Wolverhampton	Heath Town	Page 12
12/00083/EXT	ACS & T Premises Challenge Way Wolverhampton WV10 9QD	Bushbury South And Low Hill	Page 21
11/01168/RC	Land At Selbourne Crescent Wolverhampton WV1 2EB	East Park	Page 27
11/01179/RC	Land At Selbourne Crescent Wolverhampton WV1 2EB	East Park	Page 31
12/00182/VV	Lidl Food Store 27 Blackhalve Lane Wolverhampton WV11 1BQ	Fallings Park	Page 35
12/00253/VV	154 (Strategic Employment Site), Land Bounded By The Staffordshire And Worcester Canal And Wobaston Road Wolverhampton	Bushbury North	Page 39
12/00072/FUL	25 Spring Road Wolverhampton WV4 6LQ	Spring Vale	Page 44
11/00866/FUL	241 Steelhouse Lane Wolverhampton WV2 2AB	Ettingshall	Page 50

12/00067/FUL	Garage Site To The Rear Of 56 And 58 Castlebridge Road Wolverhampton	Wednesfield South	Page 56
11/01170/FUL	Former St Judes House 51 - 52 St Judes Road West Wolverhampton WV6 0DB	Park	Page 64
11/01205/FUL	53 Woodthorne Road Wolverhampton WV6 8TU	Tettenhall Regis	Page 72

PLANNING COMMITTEE - 27-Mar-12

APP NO: 11/01153/FUL

WARD: Spring Vale

RECEIVED: 05.12.2011

APP TYPE: Full Application

SITE: 16 Tynedale Crescent, Wolverhampton, WV4 6RH

PROPOSAL: Two storey side extension, single storey rear extension and conservatory

APPLICANT:

Mr Palvinder Jhamat
16 Tynedale Crescent
Wolverhampton
WV4 6RH

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The semi-detached property is located in a predominately residential area of similar semi-detached properties.
- 1.2 A large proportion of properties in the local vicinity have a distinctive cat slide roof design.
- 1.3 The property has been extended previously to the rear with a single storey extension.

2. Application details

- 2.1 A two storey side extension along the boundary with No.18 Tynedale Crescent which would include the removal of the cat slide roof.
- 2.2 A single storey side extension and conservatory to the rear along the boundary with No.14.
- 2.3 The existing single storey rear extension projects 2m from the rear elevation of the property. The proposed conservatory would project 3.2m beyond the existing extension. The proposed single storey rear extension would project a further 1.2m from the existing rear extension.

3. Planning History

- 3.1 No planning history

4. Constraints

Reference: MIN1

Landfill Gas Zones - Name: 250m buffer around LFG site No.10 Ettingshall Park.

Notes: Landfill Gas Advice Note 1

Mining Advice area - Name: Standing Advice - Data Subject to Change

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D7 - Scale - Height

D8 - Scale - Massing

D9 - Appearance

SPG4 - Extension to Houses

ENV3 - Design Quality

Other relevant policies

5.2 PPS1 – Delivering Sustainable Development

5.3 Wolverhampton's Supplementary Documents

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

6. Environmental Impact Assessment Regulations

6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (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 No representations received.

8. Internal Consultees

8.1 No internal consultations have been carried out.

9. External Consultees

9.1 No external consultations have been carried out.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/12032012/W

11. Appraisal

11.1 The key issues are: -

- Amenity;
- Design;
- Appearance; and Street Scene

11.2 There is an existing single storey rear extension which projects 2m from the rear elevation of the property.

11.3 The existing single storey rear extension and proposed conservatory, together would project approximately 5.3m along the boundary with No.14. The height, massing and projection of the conservatory are likely to unduly affect the daylight/sunlight to the living room of No.14. SPG4 states that the extension should not significantly reduce the sunlight or daylight enjoyed by any habitable room of adjoining properties. The proposed single storey rear extension due to its position away from the boundary would not affect the amenity of the neighbouring properties. The development is contrary to UDP saved policy D4 and SPG4.

11.4 The application property currently has a distinctive cat slide roof. This gives the application property and other properties in the local vicinity a unique character and appearance and is a distinctive feature of the Dovedale Estate. The proposed two storey side extension would be sited above the existing garage. The proposed extension would mean the removal of the distinctive cat slide roof to create a conventional gable with a hipped roof above. The introduction of a gable would create an imbalance between the two semi-detached properties, No.14 and No.16. The extension would also significantly reduce the gap in between No.16 and No.18 Tynedale Crescent, leading to an erosion of the distinctive townscape. This would harm the spacious character and appearance of the area. The development is contrary to UDP saved policy D6.

11.5 The loss of the cat slide roof would lead to the gradual erosion of the distinctive character and appearance of the area and would be detrimental to the street scene. SPG4 states that extensions should respect the design of the existing house and those of the surrounding area. Further to this, extensions should be of a similar architectural character, style, in scale and detailing as the existing house. The development is contrary to saved UDP policy D9 and SPG4. The development is also contrary to BCCS policy ENV3.

12. Conclusion

12.1 The proposed height, massing and projection of the existing extension and proposed conservatory are considered to be detrimental to the amenity of the neighbouring property No.14 in terms of loss of daylight/sunlight to rear living room. The proposed two storey side extension would create an imbalance between the two semi-detached properties No.14 and No.16. The extension would also significantly reduce the gap between No.16 and No.18. The proposal would be contrary to saved UDP Policies D4, D6, D9 and SPG4. The proposal would also be contrary to adopted BCCS Policy ENV3.

13. Recommendation

13.1 That Planning Application 11/01153/FUL be refused, for the following reasons:

1. The proposed conservatory would be detrimental to the amenity of the neighbouring property No.14 in terms of loss of daylight/sunlight.
2. The proposed two storey extension would significantly reduce the gap between No.16 and No.18 and by virtue of its design would be detrimental to the character and appearance of the application property and the wider street scene.
3. The proposal is contrary to saved UDP Policies D4, D6, D9 and SPG4. The proposal is also contrary to adopted BCCS Policy ENV3.

Case Officer : Mr Dharam Vir
Telephone No : 01902 555643
Head of Planning – Stephen Alexander



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Planning Application No: 11/01153/FUL

Location	16 Tynedale Crescent, Wolverhampton, WV4 6RH		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392326 295289
Plan Printed	16.03.2012	Application Site Area	348m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 10/01256/FUL

WARD: Heath Town

RECEIVED: 09.11.2010

APP TYPE: Full Application

SITE: Former G And P Batteries Limited Site, Grove Street, Heath Town, Wolverhampton

PROPOSAL: Residential development for erection of 29 townhouse dwellings and three storey apartment block containing six dwellings and associated parking.

APPLICANT:

Mr Robert Doran
Crayford Creek Properties Ltd
25-27 Weston Street
Upper Norwood
London
SE19 3RW

AGENT:

Mr Jonathan Williams
Robertson Francis Partnership
5-7 Museum Place
Cardiff
South Glamorgan
CF10 3BD

COMMITTEE REPORT:

1. **Background**

1.1 The application was presented to Planning Committee on 1 February 2011 with a recommendation that the Interim Strategic Director for Education and Environment be given delegated authority to grant planning permission subject to a Section 106 agreement and conditions. Since then negotiations relating to the Section 106 agreement have taken place, and a revised package of financial contributions, taking account of the requirements of the requirements of the Community Infrastructure Levy (CIL) Regulations 2010, is now proposed.

2. **Site Description**

2.1 The site is located approximately 1.5 miles east of the City Centre and approximately 1.3 miles west of Wednesfield Village Centre. It has an elongated triangular shape covering an area of approximately 0.7ha. The northern and southern boundaries are defined by a disused railway embankment and the Wyrley and Essington Canal respectively. At the eastern end of the site is a narrow frontage onto Deans Road. Vehicular access is gained from Grove Street to the west. Grove Street is a cul-de-sac accessed from the A4124 Wolverhampton Road.

2.2 Grove Street is residential from its junction with the A4124 to the disused railway bridge. An electronic equipment company is located on the opposite side of Grove Street from the application site. On the opposite side of the canal is housing, a public house (The Jolly Collier) and a metal recycling business.

2.3 The site has been vacant since 1998. It was formerly occupied for a period of eight years by G&P Batteries which specialised in recycling batteries.

3. Application Details

- 3.1 The application proposes a terrace of 29 three-bedroom townhouses along the length of the site, and at the eastern end of the site a block of six apartments.
- 3.2 The townhouses would front onto the canal, following the curvature of the site's southern boundary. Each house would have a private rear garden approximately 10m long and 5m wide. To the north of the gardens would be the communal car park. There would be an access to the communal car park from each garden. Each house would have a small front garden with access to the canal towpath via metal steps.
- 3.3 The townhouses would have walls of red brick, cedar board cladding and through coloured render, under a pitched tiled roof. The internal layout would enable habitable rooms to maximise the south facing views of the canal.
- 3.4 The apartments would adopt a similar design concept, making best use of the south facing aspect on the canal, and would have a shared amenity space of approximately 165m² in the east corner of the site.
- 3.5 The car park would be accessed from Grove Street with provision for up to 56 cars including three disabled bays. Six motorcycle parking bays are also proposed. A cycle store with a capacity of eight cycles would be provided for occupiers of the apartments.
- 3.6 In addition to the individual towpath accesses for each of the townhouses, two ramped pedestrian accesses would be provided between the site and the canal towpath. One located between the townhouses and the apartments and one at the eastern end of the site between the canal towpath, the application site and Deans Road Bridge. The applicants also propose to improve the existing towpath access from Grove Street to the west of the site.

4. Planning History

- 4.1 06/01230/FUL for Erection of 52 two bedroom and 4 one bedroom apartments – delegated authority to grant subject to signing of Section 106 agreement.

5. Constraints

- 5.1 The following constraints are relevant to the site:
- Landfill Gas Zones within 250m
 - Mining Advice Area

6. Relevant Policies

The Development Plan

- 6.1 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
- D14 The Provision of Public Art
- EP4 Light Pollution
- EP5 Noise Pollution
- EP6 Protection of Ground Water, Watercourses, Canals
- EP9 Sustainable Drainage Arrangements for Development
- EP11 Development on Contaminated or Unstable Land
- R7 Open Space Requirements for New Development
- H6 Design of Housing Development
- H8 Open Space, Sport and Recreation Requirements for New Housing Developments.
- AM9 Provision for Pedestrians
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security
- HE22 Protection and Enhancement of the Canal Network
- R6 The Greenway Network
- B10 Redevelopment of Employment Land

6.2 Black Country Core Strategy (BCCS)

- CSP1 The Growth Network
- CSP4 Place Making
- DEL2 Managing the Balance between Employment Land and Housing
- HOU1 Delivery Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- HOU3 Delivering Affordable Housing
- TRAN4 Creating coherent networks for cycling and walking
- TRAN5 Influencing the Demand for Travel and Travel Choices
- ENV1 Nature Conservation
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV4 Canals
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6 Open Space, Sport and Recreation
- ENV7 Renewable Energy
- ENV8 Air Quality

6.3 Other relevant policies

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS4 Planning for Sustainable Economic Growth
- PPS23 Planning and Pollution Control

6.4 Wolverhampton's Supplementary Documents

- SPG3 - Residential Development

7. Environmental Impact Assessment Regulations

7.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).

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

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

8. Publicity

- 8.1 One representation received from the company on the opposite side of Grove Road, which does not object but raises concerns about the potential for disruption to their business from parking on Grove Street.

9. Internal Consultees

- 9.1 **Parks & Green Spaces** – No upgrade works required at Heath Town Park in connection with this application.
- 9.2 **Neighbourhood Renewal** – 25% affordable housing should be provided - seven houses and one apartment.
- 9.3 **Transportation Development** – No objection subject to the receipt of plans demonstrating adequate visibility splays at the centre of the proposed access. Should adequate visibility splays not be achievable, suitable traffic calming measures designed to control vehicle speeds should be installed on Grove Street, in the vicinity of the site, prior to occupation of the development. Appropriate speed reduction measures within the site should also be provided.
- 9.4 **Planning Policy** – No objection subject to S106 agreements securing 25% affordable housing and off site open space and play contributions in accordance with policies H8 and H10.
- 9.5 **Access Team & Building Control** – No objections.
- 9.6 **Environmental Services** – There is an operational scrap yard to the south of the application site. This use was allowed on appeal by the Planning Inspectorate with conditions prohibiting all scrap metal storage, sorting, handling and processing operation outside of the building on site. A land contamination condition would be required on any planning approval.

10. External Consultees

- 10.1 **Centro & Fire Service** – No objections.
- 10.2 **Police** – No objection provided that appropriate lighting is installed to illuminate the canal tow path to alleviate the potential for crime or fear of crime.
- 10.3 **British Waterways, Environment Agency, and Wildlife Trust for Birmingham and the Black Country** – Scale and massing not considered appropriate alongside the canal corridor. Propose breaking up the built form every 8-10 dwellings with a gap. If application is approved require accesses to the canal towpath to be secured by s106 or a condition.

11. Legal Implications

- 11.1 General legal implications are set out at the beginning of the schedule of planning applications. These include reference to the Community Infrastructure (CIL) Regulations 2010 which are further referred to at

paragraphs 1.1 and 12.14 of this report.

- 11.2 Section 7 above refers to the 2011 Environmental Impact Assessment Regulations which came into force on 24 August 2011. These Regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the 1999 Regulations”) and subsequent amended instruments. **KR/15032012/M**

12. Appraisal

- 12.1 The key issues are: -

- The principle of residential development
- The detail of the proposal
- Environmental protection
- Renewable energy & waste
- Section 106 requirements

The principle of residential development

- 12.2 This application proposes a loss of employment land. However, the site has been vacant since 1998 when G&P Batteries relocated to purpose built facilities at the Crescent Works Industrial Park, to allow expansion and improved business operations. Grove Street is a largely residential cul-de-sac, and so is not ideally suitable as an access to a commercial site. The level of contamination from the previous uses means it would be unlikely to be viable to redevelop the site for employment use. The loss of the site for employment use is therefore acceptable and in accordance with BCCS DEL2.

- 12.3 The site is on edge of the Wolverhampton – Bilston Regeneration Corridor as identified in the BCCS. This proposal represents an opportunity to bring a site that has been vacant for several years back into economic use and would offer regeneration benefits for Heath Town, an area with concentrations of deprivation. In addition the proposed towpath improvements would enhance the pedestrian and cycling networks in the immediate vicinity of the site and therefore would address some of the environmental infrastructure opportunities identified Appendix 2 of the BCCS. The proposal is in accordance with policy CSP1 of BCCS and the requirements for Regeneration Corridor 4.

- 12.4 The site is in a largely residential area, close to local services and a good bus service to the City Centre. It is therefore suitable in principle for residential development.

The detail of the proposal

- 12.5 The proposal would provide a mix of housing types and tenures which would add to the variety of housing stock in this part of the city, consistent with HOU1 and HOU2 of the BCCS.

- 12.6 The siting, scale and external appearance of the proposed development would make a positive contribution to the canal frontage. The south facing aspect takes the opportunity to maximise solar gain to habitable rooms. Amenity space provision would be adequate. The design and appearance of the proposal is acceptable and in accordance with UDP policies D4, D5, D6, D7, D8, D9, D13 and BCCS policies CSP4, ENV2 and ENV3.

- 12.7 The provision of 56 parking spaces, six motorcycle spaces and cycle storage for each residential unit would be sufficient to meet the anticipated demand, and is in accordance with policy AM12 of the UDP.

- 12.8 The application does not show adequate visibility splays onto Grove Street at the site access. These details can be required by condition. The access road within the car park is long and straight, which may encourage excess vehicle speeds. Speed reduction measures can be required by condition. Subject to such conditions the proposed development would be acceptable and accord with UDP policies AM12, AM15 and BCCS policy TRAN4.

Environmental Protection

- 12.9 UDP policies EP5 Noise Pollution and H6 require all housing be compatible with adjacent uses and create a satisfactory living accommodation that would not be adversely affected by unacceptable levels of noise pollution.
- 12.10 To the south of the application site, on the opposite side of the canal in Old Heath Road, there is a metal recycling premises. This was granted on appeal approximately 4 years ago with conditions which require that the storage, sorting and handling of bulk metal is undertaken inside the building and that noise levels shall not exceed background noise by 5dB at any time. Providing that these conditions are complied with, the use would not be detrimental to the amenity of residents of the development proposed. The development complies with UDP policies EP5 and H6.

Renewable Energy and Waste

- 12.11 BCCS policy EN7 'Renewable Energy' requires that all residential developments of 10 units or more must incorporate generation of energy from renewable sources sufficient to off-set 10% of the estimated residual energy demand of the development on completion. This can be required by condition to meet the requirements of BCCS policy ENV7.
- 12.12 BCCS policy WM1 "Sustainable Waste and Resource Management" states that sustainable waste management will be delivered through various measures, including requiring new developments to address waste as a resource and take responsibility for the unavoidable waste they generate though on-site management where possible. WM5 "Resource Management and New Development" requires major developments to include supporting information explaining what material resources will be used in the development, and how and where the waste generated by the development will be managed. This information can be required by condition to meet the requirements of BCCS policies WM1 and WM5.

Section 106 requirements

- 12.13 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 require that planning obligations are:
- necessary to make the planning application acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 12.14 UDP policy H8 requires developments of ten or more dwellings to provide an off-site contribution to create and/or enhance open space in order to offset the increased need for public open space in this area as a result of additional residents.
- 12.15 Based on the number of residents that the development could accommodate the contribution would amount to £260,000. However, it has not been possible to identify open space enhancement works amounting to that sum that would comply with the CIL Regulations.
- 12.16 Instead, a package of works have been agreed with the applicant, comprising, towpath improvements, adjacent to the site and linking the site and Heath Town Park (which is within 400m walking distance) as well as improved canal access at Deans Road Bridge and Grove Street. These works would cost £143,500 .

- 12.17 The applicant has requested that towpath improvements adjacent to the site, and the improved canal access at Deans Road Bridge and Grove Street be secured by condition rather than being included within the S106. These combined works would cost £123,500. The remaining towpath improvements linking the site and Heath Town Park would cost £20,000, and the requirement in the S106 to fund them would meet the tests in the CIL Regulations.
- 12.18 The provision of 25% affordable housing (25% affordable shared ownership and 75% affordable rented) is required in compliance with BCCS policy HOU3 and can be required by a Section 106 agreement.
- 12.19 UDP policy B12 “Access to Job Opportunities” states that the Council will seek to secure the recruitment and training of local people. This can be required by a Section 106 agreement.
- 12.20 Because there will be external communal areas, a management company is required to ensure that those areas are maintained. This can be required by a Section 106 agreement.

13. Conclusion

- 13.1 The redevelopment of the site for residential use is acceptable in principle and the details of the proposal are acceptable. Subject to the imposition of conditions and a S106 agreement as recommended the proposal would comply with the development plan.

14. Recommendation

- 14.1 That the Interim Strategic Director Education and Environment be given delegated authority to grant planning application 10/01256/FUL subject to:

1. Negotiation and completion of a S106 agreement to include;

- (i) 25% affordable housing
- (ii) Off site public open space and play contribution of £20,000 (BCIS indexed)
- (iii) targeted recruitment and training
- (iv) Management company for the management and maintenance of the outdoor communal areas.

2. Any appropriate conditions including:

- Materials
- Landscaping
- Boundary treatments
- Land Contamination
- Site security
- Details of access ramps from canal tow path
- Cycle stores
- Bin stores
- Renewable energy generation
- Details of waste management
- Details of vehicular access and visibility
- Car park speed reduction measures
- Details of TV aerials/satellite dishes etc
- Finished floor levels

- External lighting
- Details of surface water run-off
- Towpath improvements and accesses at Deans Road Bridge and Grove Street
- Public art
- Details of acoustic glazing and ventilation systems

Case Officer : Mr Andy Carter

Telephone No : 01902 551360

Head of Planning – Stephen Alexander



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Planning Application No: 10/01256/FUL

Location	Former G And P Batteries Limited Site, Grove Street, Heath Town, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393065 299323
Plan Printed	16.03.2012	Application Site Area	6202m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 12/00083/EXT

WARD:

Bushbury South And
Low Hill

RECEIVED: 20.01.2012

APP TYPE: Extension of time

SITE: ACS & T Premises, Challenge Way, Wolverhampton

PROPOSAL: Extension of time for the implementation of planning permission
08/00419/FUL - extension of existing cold store to form additional storage
requirements and load bays with parking and yard areas

APPLICANT:

ACS & T Ltd
Estate Road
Grimsby
DN13 2TG

AGENT:

Mr Laurie Sice
SBH
The Rotunda
1 Old London Road
Hertford
Hertfordshire
SG13 7LA

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site consists of an area of land located at the ACS&T premises within the Fallings Park Industrial Estate. A small section of the site is used for storage and parking. However the majority of the site is unused and comprises a hard surfaced and grassed area. The site is located to the north-west of the City centre and is accessed via Park Lane which runs northwards from the A460 Cannock Road.
- 1.2 The site, which extends to 2.85 hectares, falls within a Defined Business Area. The western boundary of the site adjoins a railway line, beyond which is an area of public open space and a housing estate. The eastern boundary adjoins the site of the now demolished Paget Arms and a bus depot which also extends around to the south of the site. To the north are the rear boundaries of houses which front onto Guy Avenue.
- 1.3 A public path divides the site into two areas, access to each area is gained through two main gates with visitor and staff parking adjacent to them.
- 1.4 The ACS&T Premises comprise five large cold store buildings with loading/unloading areas around them. The company provides storage, transport, production and packaging services to the food industry.

2. Application Details

- 2.1 Nationally, there has been a significant reduction in the implementation rate of development schemes that already have planning permission. Therefore legislation was brought into force on the 1st October 2009 which allows for a new permission to be issued, in order to allow for more time for a scheme to be implemented.
- 2.2 Planning permission 08/00419/FUL granted full planning permission for the construction of an extension to the ACS&T buildings on the 3rd April 2009. The

approved scheme includes the extension of an existing cold store building and loading area. The proposal includes associated external works, including the creation of additional parking facilities and a protected pedestrian walkway.

- 2.3 The proposed cold store extension would be located at the south of the site. It would be sited immediately adjacent to an existing cold store and plant room. The total area to be created would be approximately 12,150 square metres (including a 5,040 square metres mezzanine). The proposed cold store would include twelve loading docks and additional parking for six lorries.
- 2.4 The application also includes the provision of 140 parking spaces including cycle and motorcycle parking bays. These would be located on the north east of the site adjacent to the houses fronting Guy Avenue.
- 2.5 The current application does not seek to amend or change the approved scheme but seeks an extension of time for the implementation of the planning permission which would result in the creation of approximately 40 jobs.

3. Planning History

- 3.1 08/00419/FUL – Extension of existing cold store to form additional storage requirements and load bays with parking and yard areas – Granted 03.04.09.
- 3.2 97/1183/FP – Low temperature warehouse development, lorry parking/circulation area with lorry wash and fuel facilities and gatehouse, - Granted 03.07.98.
- 3.3 97/0694/FP – Extension of existing two-storey office block – Granted 21.08.97.
- 3.4 97/0668/OP – Additional low temperature warehouse development, transport fleet facilities, gatehouse and additional security arrangement (traffic barriers), closing public road to incorporate same within the private site area – Granted 09.10.97.
- 3.5 96/0854/FP – Extension of existing cold store & ancillary buildings plus yard area extension – Granted 13.05.97.

4. Constraints

- 4.1 Mining Advice Area.
- 4.2 Authorised Processes.

5. Relevant Policies

- 5.1 National Planning Policies
 - Planning Policy Statement 1 – Delivering Sustainable Development
 - Planning Policy Statement 4 – Planning for Sustainable Economic Growth
 - Planning Policy Guidance 13 – Transport
 - Planning Policy Statement 23 – Planning and Pollution Control
 - Planning Policy Statement 24 – Planning and Noise
- 5.2 Black Country Core Strategy
 - DEL2 Managing the Balance between Employment Land and Housing.
 - CSP4 Place Making
 - EMP1 Providing for Economic Growth
 - TRAN2 Managing Transport Impacts of New Development

- TRAN3 The Efficient Movement of Freight
- TRAN4 Creating Coherent Networks for Cycling and for Walking
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island
- ENV7 Renewable Energy
- WM5 Resource Management and New Development

5.3 Wolverhampton's Unitary Development Plan

- D3 Urban Structure
- D Urban Grain
- D5 Public Realm
- D6 Townscape and Landscape
- D7 Scale - Height
- D8 Scale - Massing
- EP1 Pollution Control
- EP5 Noise Pollution
- EP9 Sustainable Drainage Arrangements for Development
- B5 Design Standards for Employment Sites
- AM12 Parking and Servicing Provision
- AM14 Minimising the Effect of Traffic on Communities
- AM15 Road Safety and Personal Security

5.4 Supplementary Planning Guidance (SPG)

- SPG1 Business, Industrial & Warehousing Development
- SPG25 Development and Flood Risk

6. Environmental Impact Assessment Regulations

6.1 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. (This is explained at the beginning of the schedule of planning applications).

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 (EIA) 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. There have been no significant changes to the highways in the vicinity of Challenge Way since 08/000419/FUL was determined.

8.2 Environmental Health – No objections. The location of the chiller motors for the new plant are to be contained within the existing plant room. The plant room is in the centre of the site and noise levels would only increase by 1-2dB. As such, no concerns have been raised.

9. External Consultees

- 9.1 Severn Trent Water - No objection subject to conditions requiring details of a surface water drainage scheme and the protection of the public sewer which crosses the site.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/13032012/X).

11. Appraisal

- 11.1 Key issues:

- The principle of development in relation to the current development plan, any changes to planning law and any other material considerations.
- 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 There has been relatively little physical change to the development site or its immediate surroundings since the determination of application 08/00419/FUL. However, the planning policy context has changed as a result of the adoption of the BCCS in February 2011.
- 11.3 The application site is situated on land identified in the BCCS as a Housing Growth Area located in Regeneration Corridor 2 (Stafford Road). The Council is currently preparing the Stafford Road Corridor Area Action Plan which will accurately define and identify areas which are expected to be brought forward for housing development in this area.
- 11.4 Policy DEL2 of the BCCS seeks to manage the balance between employment land and housing and there is a presumption against allowing new development where it may restrict regeneration of the area by virtue of the scale and nature of operations, traffic generation, and other amenity considerations. However, owing to the proposed B8 use (storage and distribution) and the proposed design and layout of the site, the proposal is unlikely to restrict the future regeneration of the area.
- 11.5 Associated issues such as vehicular movements and noise from the site are also unlikely to impact on the ability of adjacent sites to come forward for housing. The vehicular movements to and from the site have previously been assessed and are acceptable. The BCCS therefore does not impact on the acceptability of the proposed scheme.
- 11.6 BCCS policy ENV7, specifies that major development must incorporate generation of energy from renewable energy sufficient to off-set at least 10% of the residual energy demand of the development on completion. This can be required by condition. However, because the energy demand of the premises is unusually high, the 10% requirement would be correspondingly high. The applicants are concerned that to meet the requirement of ENV7 would make the development financially unviable. Because of the unusual circumstances in this case it would be reasonable to reduce the normal requirement, in order to facilitate the development and associated job creation. The applicants wish this matter to be resolved before the grant of planning

permission and discussions are ongoing to establish the maximum level of renewable energy that can be provided without making the scheme unviable.

- 11.7 BCCS policy WM5 seeks to ensure 'major' development proposals include supporting information explaining what material resources will be used in the development, and how and where the waste generated by the development will be managed. This can be required by condition.

Fall Back Position

- 11.8 Full planning permission 08/00419/FUL will not expire until the 3rd April 2012. Provided all pre-commencement conditions are satisfied and any 'material operation' comprised in the development begins to be carried out (in accordance with section 56 of The Town and Country Planning Act 1990) the planning permission will be secured.

12. Conclusion

- 12.1 This application is to secure the planning permission for another three years to ensure the development scheme can be delivered. The proposal would facilitate the intensification and extension of the ACS&T business resulting in the creation of approximately 40 jobs.
- 12.2 There has been no significant material change in circumstances at the site since the previous grant of planning permission which would affect planning permission being renewed.
- 12.3 The proposal complies with the Black Country Core Strategy and remains acceptable.

13. Recommendation

- 13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00083/EXT, subject to any appropriate conditions including;
- Negotiation of measures to meet the requirements of policy ENV7 taking account of financial viability and their requirement by condition.
 - Condition requiring the submission of a site waste management plan.
 - Conditions from the original planning permission – 08/00419/FUL

Case Officer : Mr Morgan Jones
Telephone No : 01902 555637
Head of Planning – Stephen Alexander



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Planning Application No: 12/00083/EXT

Location	ACS & T Premises, Challenge Way, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 392139 300422
Plan Printed	16.03.2012	Application Site Area	68343m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 11/01168/RC **WARD:** East Park

RECEIVED: 25.11.2011

APP TYPE: Removing Condition from Previous Approval

SITE: Land At Selbourne Crescent, Wolverhampton, WV1 2EB

PROPOSAL: Proposed Removal/Variation of Condition 10 of Planning Permission 11/00190/FUL (Phase 4 - erection of 29 two-storey houses at Selbourne Crescent, East Park)

APPLICANT:

Bromford Housing Group
1 Exchange Court
Brabourne Avenue
Wolverhampton
WV10 6AU

AGENT:

Mr Mark Jones
Lovell
Unit E Pinewood,
Bell Heath Way,
Woodgate Valley,
Birmingham,
B32 3BZ

COMMITTEE REPORT:

1. Site Description

1.1 The site is located approximately 2km to the east of the City Centre. The land forms part of a larger housing renewal development of an estate of pre-fabricated bungalows which have now mostly been demolished. In 2007, planning permission for 111 bungalows was granted and phases one and two have now been built.

2. Application Details

2.1 The application seeks to carry out the development without compliance with condition 10 of the previous permission, which requires the development to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development.

3. Planning History

3.1 06/01302/FUL - Redevelopment of Tarran Bungalows comprising retention of a small number of existing dwellings and erection of 112 new dwellings - Granted 22.12.2006.

3.2 07/01096/FUL - Amendment to 06/01302/FUL, comprising the substitution of 28 dwelling types - Granted 9.11.2007.

3.3 10/01022/FUL - Erection of 18 bungalows and six two-storey houses - Granted 09.08.2011.

3.4 11/00190/FUL - Erection of 29 two-storey houses - Granted 09.08.2011.

4. Relevant Policies

- 4.1 Black Country Core Strategy policy ENV7 “Renewable Energy”

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 5.2 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.

6. Publicity

- 6.1 No representations received.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 7.2 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted”. On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission. However the application must still be determined in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 but attention should be focussed on policies or material changes which may have changed significantly since the original grant of permission.
- 7.3 The original permission was subject to a section 106 agreement requiring 30% affordable housing. This remains a requirement. It is therefore necessary to ensure that the new planning permission is subject to the same requirements. This can be achieved by a deed of variation to tie the new permission to the existing s106. [LD/13032012/F]

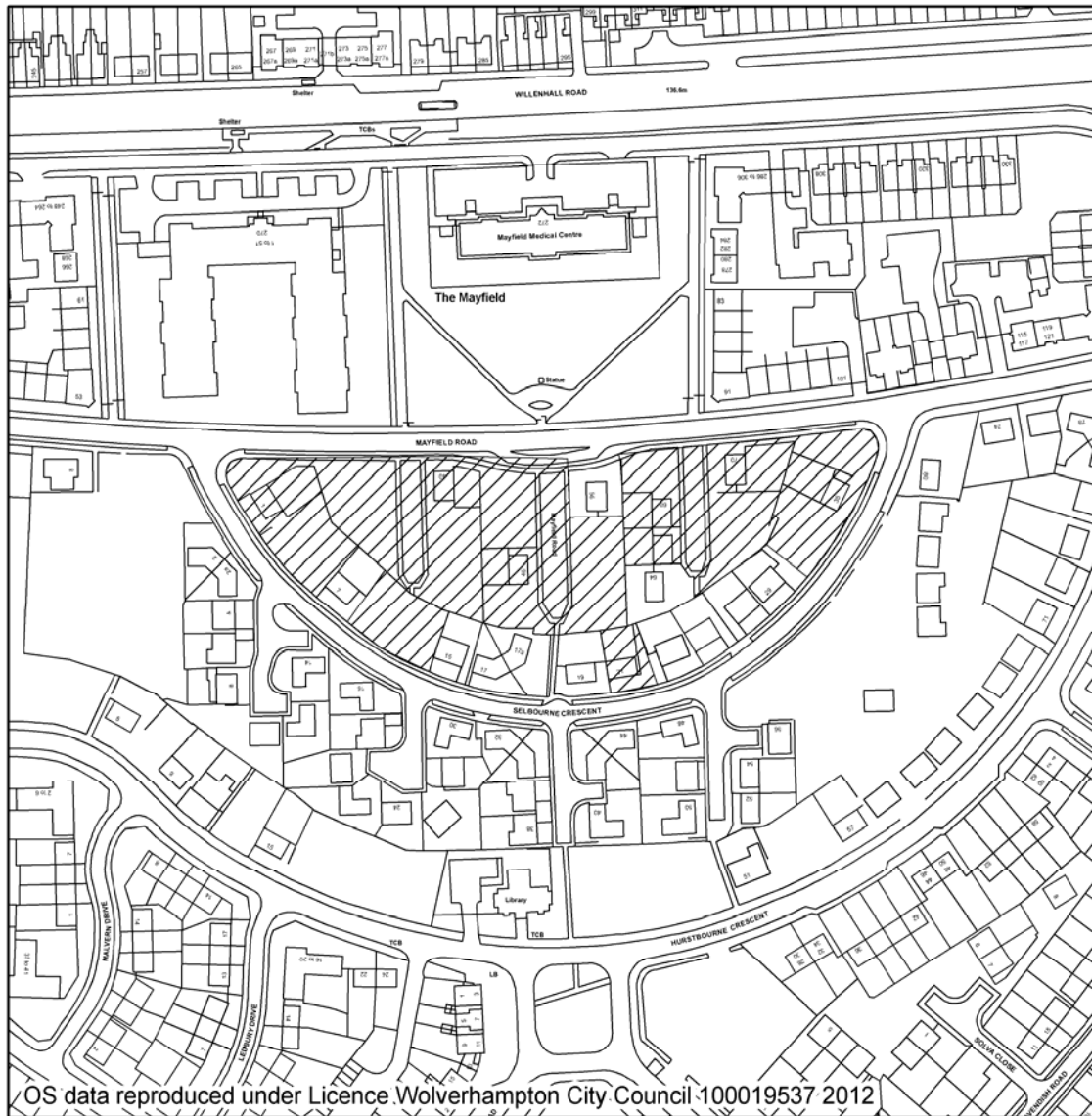
8. Appraisal & Conclusion

- 8.1 Black Country Core Strategy Policy ENV7 Renewable Energy requires that major developments should 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.
- 8.2 The policy allows for the target to be reduced if a variety of renewable energy sources and generation methods have been assessed and costed and if it can be demonstrated that achievement of the target would make the proposal unviable. The applicant has submitted a report which assesses and costs a variety of renewable energy sources and generation methods.
- 8.3 The applicant has also submitted a financial viability appraisal (FVA) which has been assessed by the District Valuer (DV) who confirms that to provide the renewable energy target would result in the development being unviable. The DV has also confirmed that to provide reduced measures would result in an unviable development.
- 8.4 On this basis it would be in accordance with BCCS policy ENV7 to grant permission without imposing condition 8.

9. Recommendation

- 9.1 That planning application 11/01168/RC be granted subject to:-
- (i) a deed of variation to tie the permission 11/01168/RC to the existing s106
 - (ii) removal of condition 10 of planning application 11/01168/RC and
 - (iii) any relevant conditions from 10/00190/FUL

Case Officer : Ms Jenny Davies
Telephone No : 01902 555608
Head of Planning – Stephen Alexander



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Planning Application No: 11/01168/RC

Location	Land At Selbourne Crescent, Wolverhampton, WV1 2EB		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 393744 298213
Plan Printed	16.03.2012	Application Site Area	10054m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 11/01179/RC **WARD:** East Park

RECEIVED: 23.11.2011

APP TYPE: Removing Condition from Previous Approval

SITE: Land At Selbourne Crescent, Wolverhampton, WV1 2EB

PROPOSAL: Proposed Removal/Variation of Condition 8 of Planning Permission 11/01022/FUL (Phase 3 - Erection of 18 bungalows and six houses at Selbourne Crescent, East Park)

APPLICANT:

Bromford Housing Group
1 Exchange Court
Bradburn Avenue
Wolverhampton Business Park
Wolverhampton
WV10 6AV

AGENT:

Mark Jones
Lovells
Pinewood
Bell Heath Way
Woodgate Valley
Birmingham
B32 3BZ

COMMITTEE REPORT:

1. Site Description

1.1 The site is located approximately 2km to the east of the City Centre. The land forms part of a larger housing renewal development of an estate of pre-fabricated bungalows which have now mostly been demolished. In 2007, planning permission for 111 bungalows was granted and phases one and two have now been built.

2. Application Details

2.1 The application seeks to carry out the development without compliance with condition 8 of the previous permission, which requires the development to incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development.

3. Planning History

3.1 06/01302/FUL - Redevelopment of Tarran Bungalows comprising retention of a small number of existing dwellings and erection of 112 new dwellings, Granted 22.12.2006.

3.2 07/01096/FUL - Amendment 06/01302/FUL, comprising the substitution of 28 dwelling types - Granted 9.11.2007.

3.3 10/01022/FUL - Erection of 18 bungalows and six two-storey houses - Granted 09.08.2011.

3.4 11/00190/FUL - Erection of 29 two-storey houses - Granted 09.08.2011.

4. Relevant Policies

- 4.1 Black Country Core Strategy policy ENV7 “Renewable Energy”

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.
- 5.2 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.

6. Publicity

- 6.1 No representations received.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 7.2 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted”. On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission. However the application must still be determined in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 but attention should be focussed on policies or material changes which may have changed significantly since the original grant of permission.
- 7.3 The original permission was subject to a section 106 agreement requiring 30% affordable housing. This remains a requirement. It is therefore necessary to ensure that the new planning permission is subject to the same requirements. This can be achieved by a deed of variation to tie the new permission to the existing s106. [LD/13032012/F]

8. Appraisal & Conclusion

- 8.1 Black Country Core Strategy Policy ENV7 Renewable Energy requires that major developments should 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.

- 8.2 The policy allows for the target to be reduced if a variety of renewable energy sources and generation methods have been assessed and costed and if it can be demonstrated that achievement of the target would make the proposal unviable. The applicant has submitted a report which assesses and costs a variety of renewable energy sources and generation methods.
- 8.3 The applicant has also submitted a financial viability appraisal (FVA) which has been assessed by the District Valuer (DV) who confirms that to provide the renewable energy target would result in the development being unviable. The DV has also confirmed that to provide reduced measures would result in an unviable development.
- 8.4 On this basis it would be in accordance with BCCS policy ENV7 to grant permission without imposing condition 8.

9. Recommendation

- 9.1 That planning application 11/01179/RC be granted subject to:-
- (i) a deed of variation to tie the permission 11/01179/RC to the existing s106
 - (ii) removal of condition 10 of planning application 11/01179/RC and
 - (iii) any relevant conditions from 10/01022/FUL

Case Officer : Ms Jenny Davies
Telephone No : 01902 555608
Head of Planning – Stephen Alexander



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Planning Application No: 11/01179/RC

Location	Land At Selbourne Crescent, Wolverhampton, WV1 2EB		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 393686 298271
Plan Printed	16.03.2012	Application Site Area	8108m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 12/00182/VV

WARD: Fallings Park

RECEIVED: 15.02.2012

APP TYPE: Vary of Condition(s) of Previous Approval

SITE: Lidl Food Store, 27 Blackhalve Lane, Wolverhampton

PROPOSAL: Variation of condition 13 of planning permission 04/2196/FP/M to allow for the application of vinyl coverings to windows on the Blackhalve Lane frontage.

APPLICANT:

Donna Commock
Lidl UK GmbH
Wellington Parkway
Magna Park
Lutterworth
LE17 4XW

AGENT:

COMMITTEE REPORT:

1. Site Description

1.1 The application site is occupied by the Lidl foodstore which is located on the northern side of Blackhalve Lane, within the Cannock Road / Scotlands District Centre. To the north and east and on the opposite side of Blackhalve Lane are houses. To the west of the site is a petrol filling station, and beyond that retail shops.

2. Application Details

2.1 Condition 13 of the planning permission for the supermarket (04/2196/FP) states that:
There shall be no obstruction of views into the building through the windows on the Blackhalve Lane frontage by, for example, the application to the windows of any colour or material or by the placing of any internal partition, or wall, or materials including blinds or curtains or screens or the display of goods/positioning of shelves within 2 metres of the windows on the Blackhalve Lane frontage whereby views into the store would be obstructed. Unless otherwise agreed in writing by the Local Planning Authority (for the avoidance of doubt the display of goods which did not exceed the height of the window cills would be permitted as views into the store will not be reduced)

The reason given for the condition is to maintain a lively street frontage and in the interests of visual amenity.

2.2 The applicant wishes to apply vinyl coverings to three of the eight windows on the Blackhalve Lane frontage. This is to screen views of bakery ovens which are to be relocated near to those windows. They have therefore applied for a new permission with a varied condition 13, which would allow this.

3. Planning History

- 3.1 10/01235/VV. Variation of condition 13 of planning permission 04/2196/FP/M to allow for the application of vinyl coverings to windows on the Blackhalve Lane frontage. Refused and Appeal Dismissed. 10.06.2011.
- 3.2 08/00997/VV. Variation of Condition 12 of planning permission 04/2196/FP/M to allow the food store to open Monday to Saturday 8.00 hours to 20.00 hours and Sundays for 6 hours between 10.00 hours to 17.00 hours. Granted 13.11.2008.
- 3.3 04/2196/FP/M. Erection of a new retail food store with associated services, customer parking and landscaping. Granted 09.03.2005.

4. Relevant Policies

- 4.1 Black Country Core Strategy (BCCS)
 - CSP4 Place Making
 - ENV3 Design Quality
 - CEN2 Hierarchy of Centres
- 4.2 Wolverhampton Unitary Development Plan (UDP)
 - D5 Public Realm (Public Space / Private Space)
 - D6 Townscape and Landscape
 - D9 Appearance
 - D10 Community safety
 - SH4 Integration of Development into Centres

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 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 No representations received.

7. Legal Implications

- 7.1 The 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"*. The local planning authority must only consider the question of the conditions it can not be used as an opportunity to revisit the principle of the permission. If the proposed condition is acceptable, permission should be granted with the new condition, any conditions on the original permission which remain relevant and any other conditions required that would make the proposals acceptable. The new permission would be an alternative to the original, which would remain extant.

7.2 General legal implications are set out at the beginning of the schedule of planning applications (LD/13032012/G)

8. Appraisal & Conclusion

8.1 The main issue in this case is whether, in the interests of the character and appearance of the area, there is a need to retain unobstructed views into the building through the windows on the Blackhalve Lane frontage.

8.2 This supermarket stands at the rear of the pavement on Blackhalve Lane, opposite a row of semi-detached houses. It has a long elevation facing the road, in which there are 8 large unobscured windows. These windows relieve and enliven the elevation and ensure it does not have an unduly dominant or oppressive effect on the streetscape. This is not only because they reduce the extent of brickwork, but is also because they allow views into the active store behind. Moreover, from the outside this arrangement has the further benefit of creating a sense of surveillance of the street thereby reducing any fear of crime.

8.3 The obscuring of the three central windows would reduce views into the store, thereby reducing the vitality of the streetscene and having a detrimental affect on visual amenity. Furthermore, obscuring the windows would reduce surveillance of the street from within the supermarket. The proposal would therefore be contrary to BCCS policies CSP4 and ENV3 and UDP policies D5, D9 and D10.

9. Recommendation

9.1 That planning application 10/01235/VV be refused for the following reason:

1. The obstruction of views through windows on the Blackhalve Lane frontage would reduce the vitality of the streetscene and have a detrimental affect on visual amenity. Furthermore, obscuring the windows would reduce surveillance of the street from within the supermarket. The proposal would therefore be contrary to BCCS policies CSP4 and ENV3 and UDP policies D5, D9 and D10..

Case Officer : Mr Phillip Walker
Telephone No : 01902 555632
Head of Planning – Stephen Alexander



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Planning Application No: 12/00182/VV

Location	Lidl Food Store, 27 Blackhalve Lane, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393569 301820
Plan Printed	16.03.2012	Application Site Area	5772m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 12/00253/VV **WARD:** Bushbury North

RECEIVED: 06.03.2012

APP TYPE: Vary of Condition(s) of Previous Approval

SITE: I54 (Strategic Employment Site), Land Bounded By The Staffordshire And Worcester Canal And ,Wobaston Road, Wolverhampton,

PROPOSAL: Variation of condition 6 of planning permission 05/2026/FP (i54 Site Preparation Works) to allow for amended hours of working (0700 to 1900 hours Mondays to Fridays, 0700 to 1900 hours Saturdays and 0800 to 1300 hours on Sundays and Bank Holidays) for a temporary 12 week period (between 2 April 2012 and 22 June 2012) to facilitate early development of the Major Investment Site on Plots A and B

APPLICANT:
Mr Andy Mason
Staffordshire County Council
St Chads Place
Stafford
ST16 2LR

AGENT:
Mr K Webster
ANCER SPA (Midlands) Limited
Royal Oak Business Centre 4
Lanchester Way
Daventry
Northamptonshire
NN11 8PH

COMMITTEE REPORT:

1. Site Description

- 1.1 The majority of the 89 hectare i54 site is in South Staffordshire District. A narrow strip of land along the northern side of Wobaston Road is in Wolverhampton.
- 1.2 Land reclamation works have been carried out, an access into the site has been constructed off Wobaston Road and internal estate roads have been constructed. Two new commercial buildings, to be occupied by Moog and Eurofins, are partly constructed on Plots H and G, to the east of the access road off Wobaston Road.

2. Application Details

- 2.1 Condition 6 of planning permission 05/2026/FP states:

“No machinery shall be operated on the site in connection with the works hereby approved outside the following hours 07.00 to 19.00 hours Monday to Fridays, 0800 to 1300 hours Saturdays and at no time on Sundays and Public Holidays.”

- 2.2 The application proposes to vary condition 6 to extend the permitted hours for the operation of machinery in connection with site preparation works as follows:
 - Saturdays from 0800 to 1300 hours to 0800 to 1900 hours (an extra six hours in the afternoon).
 - Sundays and Public Holidays between 0800 to 1300 hours.

- 2.3 The additional hours are required for a temporary 12 week period (between 2 April 2012 and 22 June 2012) to facilitate early development of the Major Investment Site on Plots A and B to accommodate Jaguar / Land Rover.
- 2.4 As the application site spans two local authority areas, the application has been made to both authorities.

3. Planning History

- 3.1 11/00973/VV - Variation of conditions 7, 8, 17, 21, 39, 42, 46, 47, 48, 49 and 50 of outline planning permission 09/00896/VV (Creation of i54 Strategic Employment Site) to amend the requirements for off-site highway improvements to reflect a revised i54 Transport Strategy that is intended to facilitate the early development of the Major Investment Site on Plots A and B - Granted 14th December 2011.
- 3.2 09/00896/VV to 'vary' ten of the conditions on 05/2027/OP to allow for an increase in the first phase of development, which would be accessed from Wobaston Road, from the permitted 15,000sq.m. to 50,000sq.m., as a means of encouraging early interest from prospective occupiers and investors - Granted 31st March 2010.
- 3.3 05/2027/OP - Outline permission, with all matters of detail reserved for subsequent approval, for use as a strategic employment area, comprising offices, workspaces, industrial units, education and research, hotel, ancillary services, open space and associated highways, footpaths and landscaping - Granted 28th March 2007.
- 3.4 05/2026/FP – Site preparation works comprising ground remediation, excavation to create development plots, provision of infrastructure and landscaping - Granted 5 July 2006.

4. Constraints

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

5. Relevant Policies

- The Development Plan
- 5.1 Regional Spatial Strategy
PA7 Regional Investment Sites
PA8 Major Investment Sites
- 5.2 Black Country Core Strategy (BCCS) Policy CSP4 "Place Making"
- 5.3 Wolverhampton Unitary Development Plan
EP1 Pollution Control
EP4 Light Pollution
EP5 Noise Pollution
AM8 Public Transport
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security

- National Policy Documents
- 5.4 PPS1 Delivering Sustainable Development
PPG13 Transport
PPG24 Noise
- 5.5 South Staffordshire Local Plan (1996)
E1 Premium Sites
GB4 Long Term Development Needs
GB5 Land Safeguarded Under Policy GB4
- 5.6 Staffordshire and Stoke on Trent Structure Plan (1996)
E5 Major Investment Site

6. Environmental Impact Assessment Regulations

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

7. Neighbour Notification and Publicity

- 7.1 No representations received.

8. Internal Consultees

- 8.1 Environmental Services and Transportation – Comments awaited.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 This application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application "for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted". On an application under S73 the planning authority must only consider the question of the conditions. If the proposed amended conditions are acceptable, permission should be granted with the new conditions, any conditions on the original permission which remain relevant and any other conditions required that would make the proposal acceptable (provided that these conditions could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). Such a new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission. However, as with all applications under the planning acts, the application must still be determined in

accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and particular regard should be had to any policy or material changes which may have changed since the original grant of permission.
[LC/15032012/A].

10. Appraisal

- 10.1 The key issue is the impact on residential amenity.
- 10.2 When application 05/2026/FP was considered, condition 6 was imposed to help mitigate the impact of the development works on neighbouring residents. In the determination of this application the need to facilitate the early development of the site must be balanced against the requirement to protect the living conditions of nearby residents.
- 10.3 Allowing machinery to be operated an extra six hours on Saturday afternoons and five hours on Sundays / Public Holidays for a temporary twelve week period during April, May and June would not result in undue disturbance to neighbours. This is because the site preparation works will principally take place on B in the northern part of the i54 site, 700 metres from the nearest dwellings.

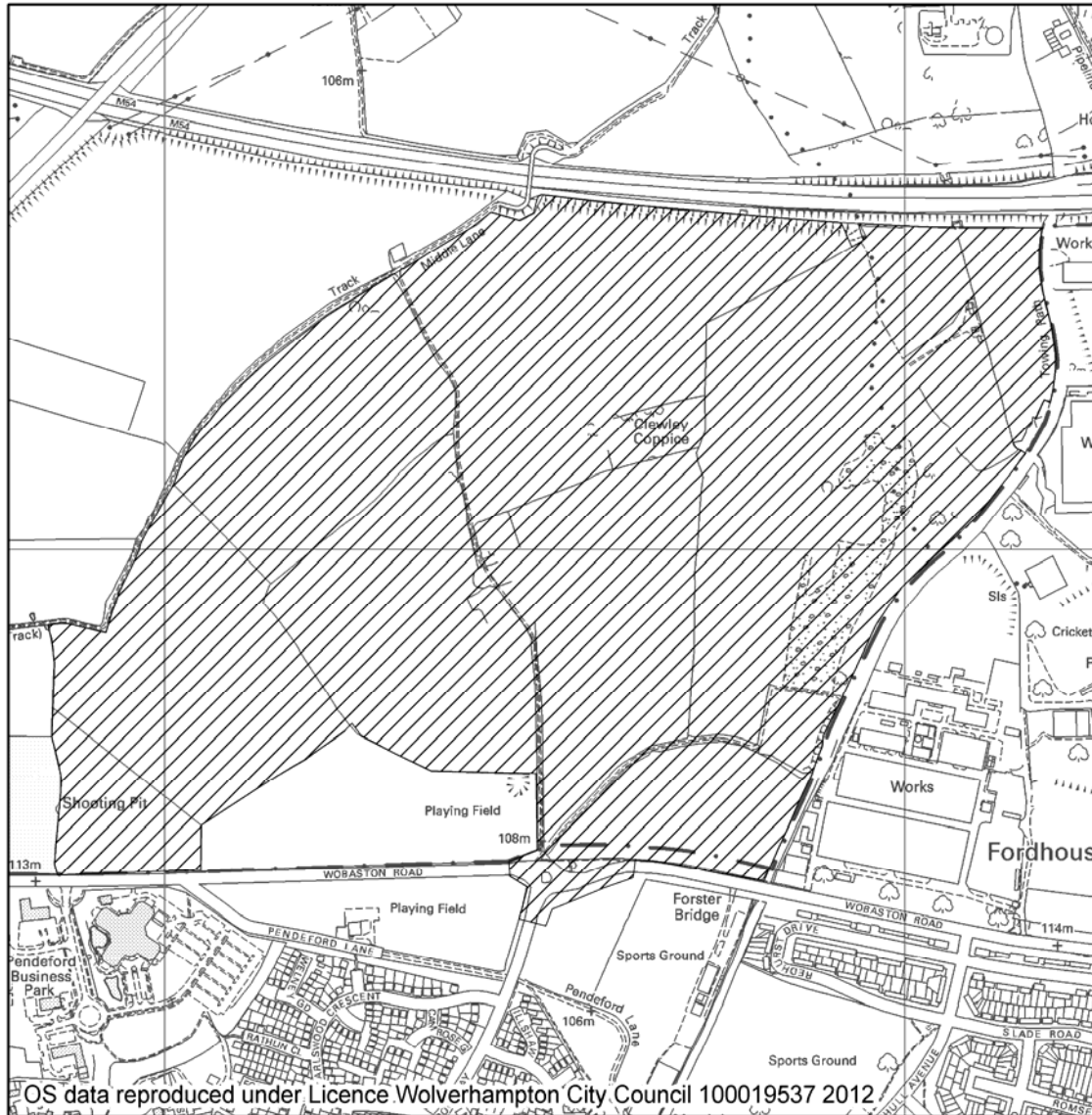
11. Conclusion

- 11.1 The proposals would not result in disturbance to residential occupiers and are in accordance with BCCS policy CSP4 and UDP policies EP1 and EP5.

12. Recommendation

- 12.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00253/VV subject to:
- (i) No overriding objections from outstanding consultees
 - (ii) Variation of conditions 6 to allow ended hours for operation of machinery for 12 weeks, within plots A and B
 - (iii) Any relevant conditions from 05/2026/FP/M.

Case Officer : Mr Phillip Walker
Telephone No : 01902 555632
Head of Planning – Stephen Alexander



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Planning Application No: 12/00253/VV

Location	I54 (Strategic Employment Site), Land Bounded By The Staffordshire And Worcester Canal And , Wobaston Road, Wolverhampton,		
Plan Scale (approx)	1:10000	National Grid Reference	SJ 390819 303552
Plan Printed	16.03.2012	Application Site Area	857478m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 12/00072/FUL

WARD: Spring Vale

RECEIVED: 25.01.2012

APP TYPE: Full Application

SITE: 25 Spring Road, Wolverhampton, WV4 6LQ

PROPOSAL: Erection of building to include two apartment units with rear car parking and amenity space

APPLICANT:
Mr Ejaz Ahmed
3 Genge Ave
Wolverhampton
WV2 4NU

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is approximately 0.03Ha. The site is located on a formerly vacant land within a mainly residential area. The site previously contained a semi-detached pair of houses but these were demolished a number of years ago.
- 1.2 To the south of the site is the "Forty Four Club" which includes a shooting range used by the members.
- 1.3 The site is currently occupied by a single storey modular building set at the back of the site. Facing onto Spring Road is an open yard area currently used for parking. There is no dropped kerb or adequate vehicular access into the site.
- 1.4 The surrounding street scene includes terraced residential properties towards the North and semi-detached housing on the opposite site of Spring Road. Tress covered by TPO's (reference 02/2/56) overhang onto the Southern boundary line.

2. Application details

- 2.1 This application seeks planning permission for a new building to include 2 two bedroom and 1 one bedroom properties.
- 2.2 The vehicular access to the site would be from Spring Road. The private amenity space and car parking provision would be located at the rear of the proposed building. There would be one disabled and two car parking bays set to the rear adjacent to the amenity space.
- 2.3 The architectural style of the building is a traditional style, two storeys in height, with render and brick finish.
- 2.4 Plans show that the current west boundary wall would be replaced with 1.8m close boarded fence and the remaining existing boundary walls (north and south) would be kept as existing.
- 2.5 The application was accompanied by a Coal Mining Risk Assessment.

3. Relevant Planning History

- 3.1 This planning application relates to planning application reference No. 07/00806/FUL for a residential development comprising erection of a two storey building containing 2 flats. Granted on the 20.07.2007 and it is essentially the same proposal as above.
- 3.2 11/00621/RP for Retrospective. Change of use to B1 (Courier business office use only) and retention of temporally modular building. Refused, dated 13.10.2011. Enforcement action pending.

4. Constraints

- 4.1 Landfill Gas
Coal Mining
Tree Preservation Order

5. Relevant policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security
AM9 Provision for Pedestrians
D2 Design Statement
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
EP15 Landfill Activities
EP18 Mineral Extraction
EP4 Light Pollution
EP5 Noise Pollution
EP9 Sustainable Drainage Arrangements for Dev
H6 Design of Housing Development
- 5.2 Black Country Core Strategy (BCCS)
CSP1 The Growth Network
CSP4 Place Making
TRAN2 Managing Transport Impacts of New Development
ENV3 Design Quality
HOU2 Housing Density, Type and Accessibility

Other relevant policies:

- 5.3 PPS1 Delivering Sustainable Development
PPG3 Housing
- 5.4 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 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

- 7.1 Eight objection letters received raising the following issues:
- The proposed development is out of keeping with the visual appearance and character of the area
 - Loss of privacy
 - Encouragement of on-street parking
 - Overall impact on traffic.
 - Alteration of existing building line
 - Design and scale of the building is not inline with the local plan policies
 - Over development
 - Inappropriate architectural style
 - Dust, noise and pollution caused during the construction process

8. Internal consultees

- 8.1 **Environmental Services** – Recommended the following conditions:
- Acoustic glazing on all habitable rooms facing onto Spring Road.
 - Acoustically treated trickle vents
- 8.2 **Tree Officers** – No objections, recommended consulting adjoining owner if any of the tree report recommendations are to be followed.
- 8.3 **Transportation Development** – Recommended the following conditions:
- Cycle storage
 - Reduction in height of the southern boundary wall

9. External consultees

- 9.1 **The Coal Authority** – Recommended the following condition:
- Prior commencement of development a site investigation works to establish the exact situation regarding coal mining issues to be carried out. Any remedial works to be undertaken prior commencement of development.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the Schedule of planning applications. [LC/15032012/B]

11. Appraisal

11.1 The key issues are: -

- Principle of the development
- Design, Siting and Appearance
- Amenity Space
- Boundary details and vehicular visibility
- Impact on neighbours
- Access and parking

Principle of the development

11.2 The proposed development would be located in currently vacant land within a mostly residential area.

11.3 The site previously contained a semi-detached pair of houses but these were demolished a number of years ago. Planning permission has already previously been granted for a very similar development at the site in 2007. Therefore, the principle of residential use at this particular site is already established.

11.4 For the above reason, the proposed development is acceptable in principle.

Design, Siting and Appearance

11.5 The design of the building is acceptable. The architectural form and style is in keeping with the design of other properties in the street scene. The bulk and height is also in keeping with existing surrounding properties.

11.6 The proposed building would not project so far as to block light or restrict the outlook from the adjacent house No.27. The proposed building would follow the existing building line form by immediate surrounding properties.

11.7 The position of the building, close to the front of the site is acceptable. The development as proposed addresses the street frontage. The position of the car parking and private amenity space to the rear is acceptable.

Amenity Space:

11.8 The proposed rear private shared amenity space would include landscaping and planting. The garden area would also be of usable shape and would have a clear physical and visual link between the proposed apartment building. It is therefore considered that the quality of the proposed garden space and its satisfactory relationship with the proposed building.

Boundary details and vehicular visibility

11.9 The application proposes to retain existing boundary walls towards the north and south of the application site.

11.10 Vehicular visibility would be impeded by the current height of the southern boundary wall. This part of the wall should be lowered to maximum 600mm in height to a distance of minimum 1m back from the back edge of the footway on Spring Road. To secure the adjacent site the wall may then be topped with open design railings which will allow through visibility.

11.11 Towards the front, to provide privacy, security and sense of enclosure, a dwarf wall similar to those at properties 27 to 31 Spring Road (but not exceeding 600mm in height, so as not to impeded highway visibility), would be required by condition.

11.12 Issues mentioned on paragraphs 10.10 and 10.11 can also be addressed by conditions.

Impact on neighbours

- 11.13 The proposed building has been designed and positioned so that it would not have an overbearing impact or result in a loss of outlook, sunlight/daylight (to main habitable rooms) and enjoyment of garden space by those residing at No. 27 Spring Road. It is not considered that the proposal would be detrimental to any amenities enjoyed by other surrounding neighbours.

Access and parking

- 11.14 The site is located in a highly accessible location and therefore parking provision of one parking bay per apartment plus one disabled parking bay would be acceptable. There is however, no motorcycle parking provision but this can be required by condition.
- 11.15 The cycle parking location is acceptable; however, detailed information would be required by condition.
- 11.16 The height limit and width of the throughout vehicular access is acceptable.

12. Conclusion

- 12.1 The proposed use of the site is already established. The siting, layout and the design of the proposal are acceptable. The scheme is acceptable in highway terms. The residential amenities of existing residents, in terms of outlook, privacy and daylight, are sufficiently protected.
- 12.2 The proposed scheme is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, EP1, EP4, EP5, H6, AM12 and AM15, BCCS policies HOU1, HOU2 and Government planning policies PPS1, PPS4 and PPG13.

13. Recommendation

- 13.1 That planning application 12/00072/FUL be granted subject to conditions to include;
- Tree protection measures
 - Tree recommendations to be carried out with all the necessary consent(s) condition
 - Visibility splay
 - Boundary details
 - Reduction in height of the southern boundary wall
 - Acoustic glazing on all habitable rooms facing onto Spring Road.
 - Acoustically treated trickle vents
 - Cycle storage
 - Materials
 - Boundary walls brick to match buildings
 - Sustainable Drainage
 - Surface materials
 - Landscaping
 - Site investigation works and any remedial works to be undertaken prior commencement of development.

Case Officer : Ms Marcela Quiñones
Telephone No : 01902 555607
Head of Planning – Stephen Alexander



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Planning Application No: 12/00072/FUL

Location	25 Spring Road, Wolverhampton, WV4 6LQ		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393226 295403
Plan Printed	16.03.2012	Application Site Area	295.32m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 11/00866/FUL

WARD: Ettingshall

RECEIVED: 07.09.2011

APP TYPE: Full Application

SITE: 241 Steelhouse Lane, Wolverhampton, WV2 2AB

PROPOSAL: Two storey extension to retail unit with living accommodation above

APPLICANT:

Mr J Sidhu
SS Sidhu
241 Steelhouse Lane
Wolverhampton
WV 2AB

AGENT:

Mr John Flavell
JKF LTD
40 Woodhall Road
Penn
Wolverhampton
WV4 4DJ

COMMITTEE REPORT:

1. Site Description

- 1.1 241 Steelhouse Lane is a single storey general store located on the corner of Steelhouse Lane and Gordon Street, less than half a kilometre south-west of the City Centre. As well as the general store, the site also contains living accommodation for the owners in a two-storey house, linked to the store.
- 1.2 On the opposite side of Gordon Street is land which forms part of the Tesco proposals for the redevelopment of the former Royal Hospital as well as some vacant land which is in Council ownership. To the west is land which is earmarked for residential development.
- 1.3 Gardens to houses on Granville Street are immediately to the south of the application site. Gordon Street is currently blocked to prevent through access. The short section of Gordon St which is accessed from Steelhouse Lane is currently used for parking for the store and also access to the service yard of the store.

2. Application details

- 2.1 The proposal is to extend the general store by approximately 150sqm and provide additional living accommodation above. To accommodate the extension, the existing vehicular barrier on Gordon St would need to be moved further west. The extension would be similar in appearance to the existing building and would be built in matching materials.
- 2.2 On the opposite, northern, side of Gordon St, 20 car parking spaces (including one disabled bay) are proposed to accommodate the increase in parking anticipated by the enlarged store.
- 2.3 These proposals are similar to those previously submitted in 2003 and subsequently granted, but which were not implemented and have now expired.

3. Planning History

- 3.1 03/1427/FP/C - Demolition of 2-5 Gordon Street and Extension to existing retail unit with living accommodation above. Granted 2nd of April 2004.

4. Constraints

- 4.1 Authorised Processes

5. Relevant policies

5.1 National Planning Guidance

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG13 Transport
PPS24 Planning and Noise

5.2 Black Country Core Strategy

CSP4 Place-Making
EMP5 Improving Access to the Labour Market
TRAN2 Managing Transport Impacts of New Development
ENV2 Historic Character and Local Distinctiveness
ENV3 Design Quality
ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV8 Air Quality
WM1 Sustainable Waste and Resource Management
WM5 Resource Management and New Development

5.3 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
EP4 Light Pollution
EP5 Noise Pollution
EP9 Sustainable Drainage Arrangements for Development
EP11 Development on Contaminated or Unstable Land
EP12 Reclamation of Derelict Land
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 2011 (SI 2011/1824) require that where certain proposals are

likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

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

7. Publicity

- 7.1 A petition with 21 signatories has been received in opposition to the proposal. The main planning concern relates to the belief that Gordon Street will be opened up for vehicular traffic. The proposals do not propose to reopen Gordon Street to vehicular traffic, but the existing barrier would need to be moved westward in order to accommodate the proposed access.

- 7.2 The petition also raises a concern that the shop will store and sell portable gas bottles. Any shop can store and sell portable gas bottles without the need for planning permission. There are no planning objections to this aspect of the proposal.

8. Internal consultees

- 8.1 **Environmental Services** – All habitable rooms should be fitted with glazing capable of achieving a sound level reduction of 38dB. Acoustically treated trickle vents should be installed to all habitable rooms for the purpose of providing passive ventilation without the need for open windows.

- 8.2 To minimise the impact of construction on residents, operational hours should be restricted to:

- 0800-1800 Monday-Friday
- 0800-1300 Saturday
- No time on Sundays or Bank or Public Holidays

9. Legal Implications

- 9.1 Section 6 above refers to the 2011 Environmental Impact Assessment Regulations which came into force on 24 August 2011. These Regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("the 1999 Regulations") and subsequent amended instruments. **KR/15032012/H**

10. Appraisal

- 10.1 The key issues are:

- Economic Prosperity
- Acceptability of the proposed use
- Residential amenity
- Car parking & access

Economic Prosperity

- 10.2 Paragraph EC10.1 of PPS4 states that, "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably
- 10.3 The Black Country Core Strategy (BCCS) envisages and supports the creation of an economically prosperous Black Country. As a job creating investment the proposal would accord with the aims of the BCCS.
- 10.4 The proposal represents the expansion of an existing local enterprise, with associated the investment and jobs (indicated to be 1 full time and 4 part time).

Acceptability of the proposed use

- 10.5 The applicants state that they are in a very competitive market and that the extension would help meet a growing demand for better local facilities by consumers. The expansion would assist them to provide better facilities and a greater choice of goods.
- 10.6 Provided that suitable conditions are applied, the proposal is unlikely to cause any significantly adverse impacts and the proposal would have a positive impact on local employment and the continued regeneration of the area.

Residential Amenity

- 10.7 The positioning of the proposed extension would respect the privacy, daylight and outlook from adjacent dwellings.
- 10.8 The proposal would have some impact on the amenity of some local residents, with regard to traffic and customer noise, but not an extent that the proposal would be unacceptable.

Car Parking & Access

- 10.9 A Transport Statement has been submitted with the application. In principle there are no highway objections to the proposed development, so long as the proposed parking spaces and associated highway works including a new turning head are provided before the extension to the store is operational.

Other matters

- 10.10 In order to implement the proposed turning head for the new vehicular access, a small area of council owned land would need to be purchased. Discussion between the applicants and the Asset Management Division of the Council, have begun in relation to this matter.

11. Conclusion

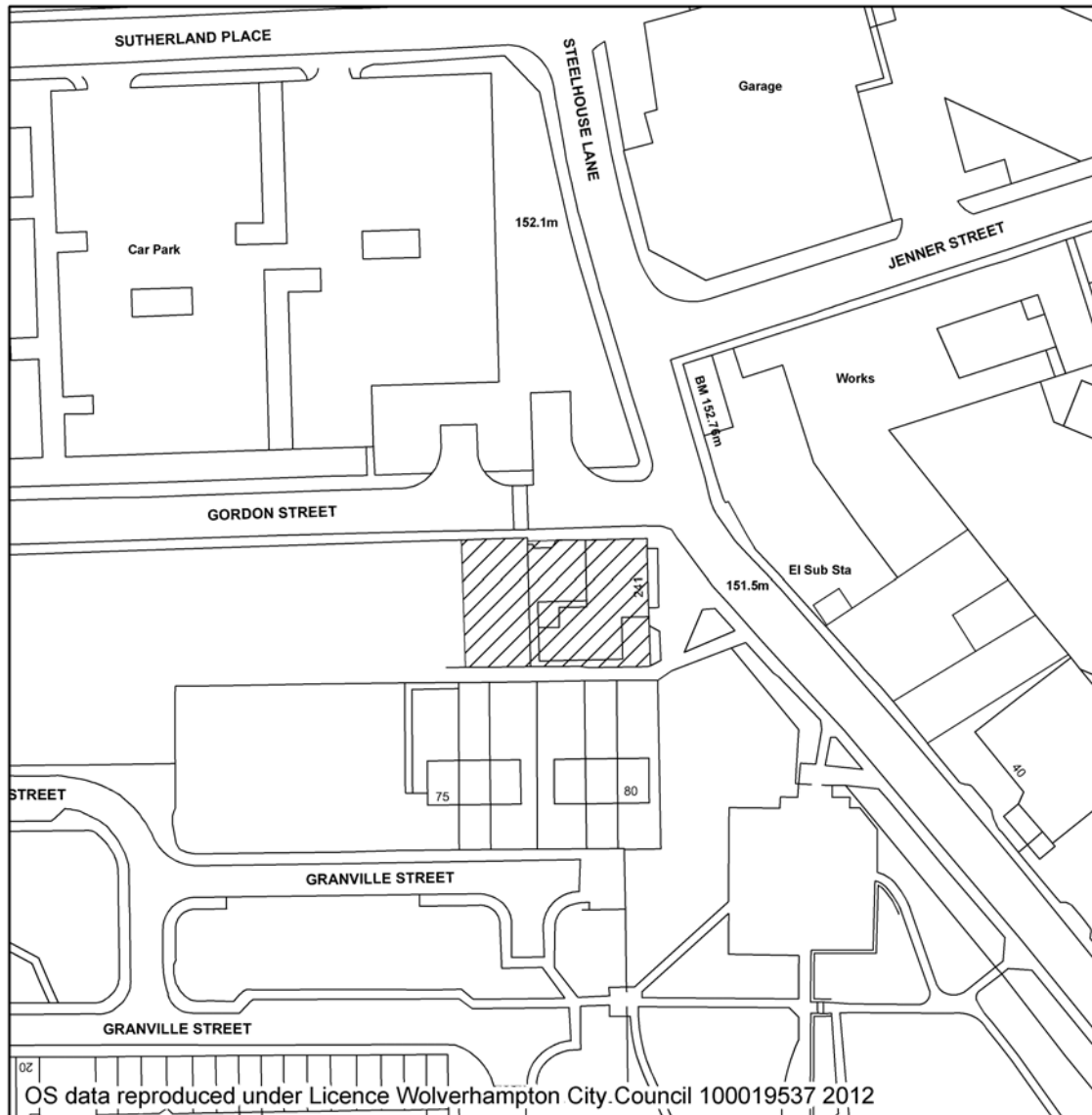
- 11.1 The proposal would help support an existing business and represent a job creating investment in the city which would introduce further vitality and viability to the area.
- 11.2 The proposed use of the site is acceptable in principle. The general principles and layout and design of the proposal are acceptable. The scheme is broadly acceptable in highway terms. The residential amenities of existing residents, in terms of outlook, privacy and daylight, are preserved. Any increase in noise from traffic and customers are within acceptable limits.
- 11.3 The proposed scheme is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, EP1, EP4 and EP5 and BCCS policies ENV3, CSP4, PPS4.

12. Recommendation

12.1 That planning application 11/00866/FUL be granted, subject to the following conditions;

- Matching materials
- Details of boundary treatment
- Highway works implemented before occupation of extension
- Parking spaces provided prior to occupation of the store extension
- Acoustic mitigation for residential accommodation
- Control hours of construction
- Define maximum net floorspace

Case Officer : Mr Richard Pitt
Telephone No : 01902 551674
Head of Planning – Stephen Alexander



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Planning Application No: 11/00866/FUL

Location	241 Steelhouse Lane, Wolverhampton, WV2 2AB		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392129 297990
Plan Printed	16.03.2012	Application Site Area	672m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 12/00067/FUL

WARD: Wednesfield South

RECEIVED: 23.01.2012

APP TYPE: Full Application

SITE: Garage Site To The Rear Of 56 And 58, Castlebridge Road, Wolverhampton

PROPOSAL: Residential development for the erection of five (2-bedroom) bungalows

APPLICANT:

Mr D Thomas
Thomas Homes (Midlands) Ltd
442 Lichfield Road
Wednesfield
Wolverhampton
WV11 3HF

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is currently vacant. It was formerly a residential garage court accessed from Castlebridge Road. The land to the rear of this was a tennis court and is identified as public open space in the UDP.
- 1.2 The site has been identified for disposal and this application follows an approved outline application for five single storey dwellings.
- 1.3 The immediate area is largely residential with houses facing onto Castlebridge Road and Broad Lane South
- 1.4 The Wyrley and Essington canal runs parallel to the northern boundary of the site.

2. Application details

- 2.1 The application has been made for the erection of five 2-bedroom single storey dwellings, utilising the existing access from Castlebridge Road.
- 2.2 Each dwelling would have a private amenity space and a parking provision for at least two vehicles.
- 2.3 The application was supported by a bat assessment report and ecological constraints statement.

3. Planning History

- 3.1 09/00191/DWO for Outline Application. Residential development for 3 detached bungalows and a pair of semi-detached bungalows - Granted, dated 09.09.2009.

4. Constraints

- 4.1 Recreational Open Space
Mining Referral 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

D12 - Nature Conservation and Natural Features

EP1 – Pollution Control

EP4 - Light Pollution

EP5 - Noise Pollution

EP11 – Development on Contaminated or Unstable Land

AM12 - Parking and Servicing Provision

AM15 - Road Safety and Personal Security

H6 - Design of Housing Development

N1 - Promotion of Nature Conservation

N4 – Protection, Declaration and Enhance of Local Nature Reserves

R3 - Protection of Open Space, Sport and Recreation Facilities

N9 - Protection of Wildlife Species

Black Country Core Strategy

CSP4- Place Making

HOU1 Delivery Sustainable Housing Growth

ENV1 - Nature Conservation

ENV3 – Design Quality

ENV4 - Canal

Other relevant policies

- 5.2 PPS1 – Delivering Sustainable Development

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (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 No representations received.

8. Internal Consultees

8.1 **Environmental Services** – No objection subject to conditions restricting hours of operation during construction and the requirement for a land contamination investigation.

8.2 **Transportation Development** – No objections subject to the improvement of the turning head to enable service vehicles to turn.

8.3 **Leisure and Cultural Services** – No objection to the loss of the open space subject to the applicant entering a section 106 agreement for payment of a loss of open space contribution of £73, 510.

8.4 **Nature Conservation** – The development of the site will result in the loss of open grassland and trees, habitat loss mitigation proposals should be conditioned.

9. External Consultees

9.1 **GPU Power Distribution** – No comments received.

9.2 **British Waterways** – No objection.

9.3 **Severn Trent Water Ltd** – No objection.

9.4 **The Coal Authority** – No objection subject to a condition requiring a site investigation and implementation of any remedial works.

9.5 **Fire Service** – No objection.

10. Legal Implications

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

10.2 In addition the Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 (“the Habitat Regulations”) and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981

- 10.3 Further paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision . The need to carry out ecological surveys are carried out should only be left to planning conditions in exceptional circumstances.
- 10.4 It is noted that the application was supported by an ecological constraints statement and a bat survey report which is considered to be satisfactory in concluding that no recommendations are made for habitat mitigation. (KR/15032012/I)

11. Appraisal

11.1 The key issues are: -

- Character and appearance
- Impact on neighbour amenity
- Access and parking
- Impact on protected species
- Loss of recreational open space

Character and appearance

- 11.2 The proposed layout is appropriate and makes efficient use of the land. The properties have been well designed to ensure that important spaces within the site are overlooked.
- 11.3 The site is currently vacant and its development for residential purposes would improve the security to neighbouring residential properties which currently abut the 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 As the proposed dwellings would be single storey in scale the impact on neighbouring residential amenity would not be significant. The design and siting of the proposed dwellings relative to the adjoining properties on Broad Lane South and Castlebridge Road is appropriate and would not adversely affect neighbour amenity. The proposal is therefore satisfactory in respect of UDP policy D7 and D8.

Access and parking

- 11.6 Subject to the receipt of an amended drawing improving the turning head within the site, the proposed layout would be satisfactory. The level of off-street parking is considered appropriate and access from Castlebridge Road adequate. Subject to the receipt of an amended layout showing the improved turning head the proposal is in accordance with UDP policy AM12, AM15 and D10.

Impact on protected species

- 11.7 The application is supported by an ecological constraints statement and a bat survey report. These are satisfactory in their conclusions and do not make any recommendations on habitat mitigation. Nature Conservation has requested further mitigation proposals to address the potential loss of habitat. However on the basis of the ecologist's report and conclusion it is considered that a requirement for this would

be unreasonable. The proposal is therefore in accordance with UDP policies N1, N9, D12 and BCCS policy ENV1

Loss of recreational open space

- 11.8 The development is proposed on land occupying both a former garage site and adjoining recreational open space. The development would result in the loss of an identified recreational open space. In this instance the space is not considered to be surplus to requirements and therefore to make the proposal acceptable a compensatory provision will be required. This shall take the form of a financial contribution of £73, 510 which will go towards the creation or enhancement of open space, sport or recreation facilities within a reasonable distance of the site.
- 11.9 The financial contribution shall be secured through a section 106 agreement. It would be payable upon the loss of the open space portion of the development, which corresponds in this development to the three houses adjoining the Broad Lane South. It is proposed that the payment will be staggered, with an initial 50% payment followed by three further instalments upon sale, but prior to occupation, of each of the three dwellings adjacent to Broad Lane South. The staggered payment was requested by the applicant to assist the financing of the development. The principle of the staggered payment has been accepted by the applicant. Subject to the applicant entering a section 106 agreement for the loss of open space contribution the proposal would be in accordance with UDP policy R3.

12. Conclusion

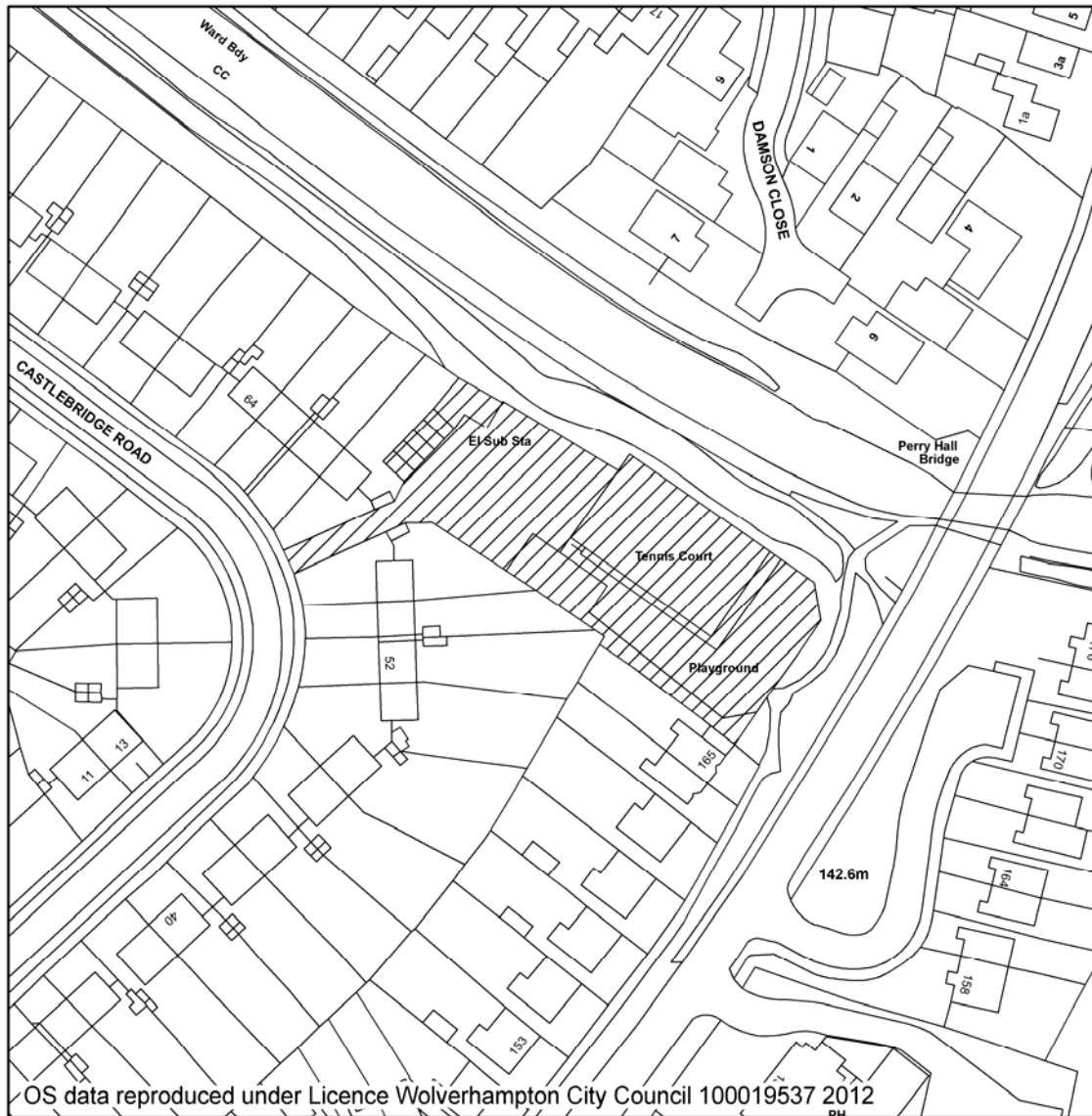
- 12.1 The proposed residential development is appropriately designed. The layout and design of the buildings take the opportunity to enhance the character and appearance of the surrounding area. All properties would be served with adequate rear amenity space and suitable private parking provision. The development would not adversely affect neighbour amenity. The submission has adequately demonstrated that no further protected species mitigation measures are required. The development would secure and occupy a site that has been vacant for several years.
- 12.2 The applicant shall enter a section 106 agreement for the payment of a loss of open space contribution.
- 12.3 The proposal is therefore in accordance with UDP policies D4, D5, D6, D7, D8, D9, D10, D12, N9, AM12, AM15, H6, R3 and BCCS policies ENV1, ENV3 and ENV4.

13. Recommendation

- 13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00067/FUL, subject to;
- 1) Amended plans to show improved turning head within the site
 - 2) Negotiation and completion of a S106 agreement to include;
 - (i) Loss of open space contribution (BCIS indexed)
 - 3) Any appropriate conditions including;
 - Materials
 - Boundary treatment details
 - Landscaping
 - Bin store
 - Mining site investigation

- Hours of operation during construction
- Land contamination site investigation.
- Priority signage for the access drive

Case Officer : Mr Mark Elliot
Telephone No : 01902 555648
Head of Planning – Stephen Alexander



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Planning Application No: 12/00067/FUL

Location	Garage Site To The Rear Of 56 And 58, Castlebridge Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 396396 300803
Plan Printed	16.03.2012	Application Site Area	2079m ²

PLANNING COMMITTEE - 27-Mar-12

APP NO: 11/01170/FUL

WARD: Park

RECEIVED: 12.12.2011

APP TYPE: Full Application

SITE: Former St Judes House, 51 - 52 St Judes Road West, Wolverhampton

PROPOSAL: Conversion of nursery (51) into two (two bedroom) flats, conversion of vacant offices (52) into a professional house share containing 7 en suite bedrooms, and communal living space, and provision of off-street parking and amenity space to the rear (amended description)

APPLICANT:

Elite Living
Lloyd House
School Road
Wheaton Aston
Stafford
ST19 9NH

AGENT:

Mr Michael Davies
7 Millpool Close
Wombourne
Wolverhampton
WV5 8HS

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site comprises a large three storey Victorian town house (52) and a more recent two storey end terrace property (51) (circa 1960s), within the predominantly residential cul-de-sac of St Judes Road West. The Victorian town house is of some architectural merit with deep bay windows at ground floor, and sash windows plus window lintels at first and second floor. The end of terrace two storey building is of limited design merit.
- 1.2 St Judes Road West is made up of red brick terrace houses on either side, and provides access to the Wolverhampton Girls High School at the end of the road.
- 1.3 Both buildings within the application are currently vacant. 52 St Judes Road West was formerly used as an office, whilst 51 was last used as the Caterpillars Nursery at the ground floor and has a vacant flat at the first floor. These two uses are accessed by separate front doors within the principle elevation of the building.
- 1.4 The two buildings are set slightly back of pavement edge providing a small terrace to the front, and have large gardens at the rear. 51 St Judes Road West has a car park area to the rear, serviced by a single car width access road which runs between the subject site and 50 St Judes Road West. This access road also provides a rear pedestrian access to the gardens of properties 44-50 and 52 & 53 St Judes Road West.
- 1.5 Three single space garages are located within the car park, all of which are within the applicant's control. In addition there is an unmarked parking area which could accommodate up to four vehicles.

2. Application details

- 2.1 The application proposes to create a professional house share within 52 St Judes Road West. The property would have seven bedrooms, each benefitting from en-suite shower rooms. Communal facilities in the form of a lounge, kitchen, dining area, study room and a laundry would be located on the ground floor. Whilst a shared garden would be accessed via the communal lounge at the rear. The professional house share would be operated by Elite Living; a property letting company with a similar facility, comprising four bedrooms, on the Cannock Road within Wolverhampton.
- 2.2 The use would be classed as a house of multiple occupation which falls within C4 of the use classes order.
- 2.3 The ground floor of 51 St Judes Road West would be converted from the existing nursery to provide two flats, each containing two bedrooms and a lounge at the rear looking onto private garden space. The existing one-bedroom flat at first floor would be retained. A small private garden space would be provided for this flat at the rear of the building.
- 2.4 The land at the rear of the two buildings will be reconfigured to provide twelve parking spaces including one disabled space, two motorbike spaces, and a five space cycle shelter. The three existing single garages would be demolished as part of the reconfiguration, and two leylandii removed.
- 2.5 Access to the vehicle spaces and gardens will be via the existing access way between 50 and 51 St Judes Road West. The applicant proposes to install two speed humps along the access way, an electronic key operated gate, and 5mph signs located on the exit of the car park. The applicant has also proposed a clause in the tenancy agreements of the professional house share requiring residents to park in the off-street spaces provided.
- 2.6 At the front of the two buildings a dwarf wall is proposed, constructed from reclaimed bricks and topped with a stone coping. To the front elevation of 51 St Judes Road West two bay windows would be added and replacement windows installed at first floor. In addition the proposals include the replacement of the roof at the rear of 51 St Judes Road West, and some minor demolition to the rear of 52 St Judes Road West to increase the amenity space.

3. Planning History

3.1 Relevant planning history for 51 St Judes Road West:

- 11/00682/FUL for Change of use of the ground floor of the existing nursery to provide four self contained flats, refused, dated 12.09.2011.
- 10/01250/FUL for Change of use to yoga fitness classes and part residential., withdrawn, dated 07.01.2011.
- 09/00067/FUL for Change of use from residential flat to office accommodation.-refused, dated 18.03.2009.

3.2 Relevant planning history for 52 St Judes Road West:

- 09/00066/FUL for Change of use from commercial offices/meeting rooms to a residential dwelling – granted, dated 17.03.2009

- 3.3 The 2011 application to convert the ground floor of 51 St Judes Road West into four flats was refused due to a lack amenity space, and safety concerns in relation to the access arrangements for vehicles and pedestrians.
- 3.4 The application in 2010 for a yoga fitness centre and part residential was withdrawn due to the likelihood of a refusal. The principle issues were insufficient off-street parking, and also concerns over noise associated with vehicles entering and leaving the site before and after classes in the evening.
- 3.5 The change of use application in 2009 for office accommodation at the first floor of the building was refused due to concerns that it would detract from the amenities of occupiers in adjacent buildings, and be an inappropriate use in this residential area.
- 3.6 The change of use application at 52 St Judes Road West from offices to residential has a three year permission which expires on 17.03.2012. The permission has never been implemented and therefore the extant legal use is for offices.

4. Constraints

- 4.1 No constraints

5. Relevant policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

- H6 – Design of Housing Development
- H7 – Conversion of Buildings from Non-residential to Residential Use
- AM12 – Parking and Servicing Provision
- AM15 – Road Safety and Personal Security

- 5.2 Black Country Core Strategy

- HOU1- Delivering Sustainable Housing Growth
- HOU2 – Housing Density, Type and Accessibility
- TRAN4 – Creating coherent networks for walking and cycling

Other relevant policies

- 5.3 National Policy

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport

- 5.4 Wolverhampton's Supplementary Documents

SPG3 – Residential Development

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to

have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

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

7. Publicity

- 7.1 Five representations have been received making the following planning comments in respect of the application:

- Inadequate parking provision
- Further pressure on existing on-street parking
- Increase in traffic
- Visibility for drivers accessing/exiting the site
- Safety concerns for pedestrian access to 50 St Judes Road West
- Additional speed hump required and max speed signs in car park
- Affects a right of way
- Overdevelopment
- Inappropriate style of housing
- Boundary treatments to gardens and frontage of the site

- 7.2 Other non-planning comments of note:

- Clauses within the tenancy agreement of the professional house share requiring residents to park within the car park provided, and use the access road safely.

8. Internal consultees

- 8.1 **Environmental Services** – No adverse comments

- 8.2 **Transportation Development** – Level of parking provision and parking layout are acceptable, safety concerns over the access allayed by proposed speed humps.

- 8.3 **FAO Housing Standards Team** – Flats 1 and 2 in 51 St Judes Road West meet space standards for a two bedroom flat. Flat 3 meets standards for a one bedroom flat.

- 8.4 All bedrooms within 52 St Judes Road West meet double bedroom standards for house share situation.

- 8.5 Both properties will need to conform to fire regulations.

- 8.6 **Tree Officers** – No objections.

9. External consultees

- 9.1 No external consultees.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/13022012/U).

11. Appraisal

- 11.1 The key issues are: -

- Principle of Development
- Access
- Right of way
- Parking
- Amenity Space
- Design
- Permitted Uses

Principle of Development

- 11.2 The area of St Judes Road West is primarily residential, with the school at the end of the road presenting the only major other land use. A residential use within the two vacant buildings would represent an appropriate use, being compatible with the surrounding area, as sought by policy H6 and H7 of the UDP and national guidance in PPS3. The development would also succeed in providing two different types of dwelling to the existing housing stock of the immediate area at an appropriate density and scale, and thereby meet the requirements of HOU2 of the Black Country Core Strategy.

Parking

- 11.3 The applicant proposes to provide 11 standard size parking spaces and one disabled space. This level of provision is in accordance with standards sought by AM12 of the UDP. In addition to this off-street provision the site has a relatively wide frontage onto St Judes Road West which could accommodate approximately three vehicles on-street if required. However it is noted that on-street spaces are not designated to particular dwellings and therefore their availability cannot be guaranteed.
- 11.4 Non-car modes are also sufficiently catered for within the development with secure parking for bicycles and motorcycles. The proposals therefore conform with TRAN4 of the BCCS.
- 11.5 The comments in relation to parking clauses through the tenancy agreements of the professional house share are noted. Elite Living have advised that they will include a clause within the tenancy agreements of the professional house share in respect of residents parking within the on-site spaces.

Access

- 11.6 The access to the parking and amenity space at the rear of the site is via the existing 3.2m wide access route between 50 and 51 St Judes Road West. The applicant has proposed the provision of two speed humps, along the access, and the introduction of a key operated electronic gate. The speed humps will lower approach speeds whilst the gate will ensure that vehicles stop when drivers open the gates. The applicant advises that the proposed gate system will have a pod containing the key switch, mounted on the wall prior to the gate. The driver would reach out of the vehicle, insert the key, and drive through the open gate. With the use of infra red sensors the gate would shut automatically once the car was clear of the gate.

- 11.7 The gate will be located 6.8m back of the pavement edge in a position to ensure access to 50 St Judes Road West is maintained. The first speed hump would be located at the point of the gate, the second hump would be located by the proposed pedestrian access for Flat 2 within 51 St Judes Road West. The applicant will also provide 5mph signs, fixed on the exit of the car park within the application site. These proposals will require vehicles to stop within the access way, and ensure speeds remain low overall, thereby maintaining pedestrian safety. The proposals meet the policy requirements of AM15 in the UDP.

Right of way

- 11.8 A number of representations have commented on existing rights of way which residents along St Judes Road West benefit from to gain access to their rear gardens. Applicant has confirmed that the residents of 44-50 & 53 St Judes Road West will be issued with keys for the gate to the access way. Consequently access to the rear gardens of these properties will be maintained.

Amenity Space

- 11.9 As part of the reconfiguration of the land at the rear of the site the applicant proposes to provide large private gardens for Flats 1 and 2, a small garden for Flat 3, and a shared amenity space for the professional house share of approximately 100sqm. The amenity space for the house share is in accordance with under the requirements set out by SPG3.

Design

- 11.10 The proposals within the application predominantly relate to the use and internal configuration of the 51 and 52 St Judes Road West. However the applicants are proposing a number of external improvements as part of the overall project. The addition of bay windows to the front of 51 St Judes Road will improve what is a rather blank and featureless principle elevation, whilst the dwarf wall at the front of the two properties will enhance the design context of the overall site within the street scene. The proposals are therefore consistent with design policies D6 and D9 in the UDP.

Permitted uses

- 11.11 51 St Judes Road West was formerly a nursery with a single dwelling above, whilst 52 St Judes Road West was last used as offices. These remain the respective permitted uses of the two properties and as such could be reinstated without the need for planning consent. The characteristics of these uses potentially have significantly greater levels of traffic generation than the current proposals within this application, and are arguably less compatible with the residential characteristics of St Judes Road West. Consequently the proposed uses are likely to have a lower traffic generation than the existing permitted uses.

12. Conclusion

- 12.1 Whilst past applications have only involved certain parts of the site in isolation the current proposals represent a joined up approach to dealing with these two vacant properties on St Judes Road West.
- 12.2 The proposed uses are considered appropriate within the residential context of the surrounding area. The off-street parking provision at the rear of the site meets standards for car and non-car modes. The introduction of a gate and speed humps are proposed along the access to the parking area, thereby lowering vehicle approach and exit speeds, and improving the safety for pedestrians using this route.
- 12.3 An appropriate level of amenity space is provided for the three flats and the residents of the professional house share at the rear of the site.

12.4 Finally the applicants have sought to enhance the design of the two buildings with the addition of the dwarf wall and bay windows, thereby improving the context of the site within the street scene.

12.5 The application proposals are consistent and compliant with the policies set out in the Unitary Development Plan and Black Country Core Strategy.

13. Recommendation

13.1 That planning application 11/01170/FUL be granted, subject to any appropriate conditions including the following:

- Boundary details
- Gate details
- Cycle parking
- Bin storage
- Matching materials
- Landscaping
- Hours of construction
- Operational hours

Case Officer : Mr Andy Carter
Telephone No : 01902 551360
Head of Planning – Stephen Alexander

PLANNING COMMITTEE - 27-Mar-12

APP NO: 11/01205/FUL

WARD: Tettenhall Regis

RECEIVED: 25.11.2011

APP TYPE: Full Application

SITE: 53 Woodthorne Road, Wolverhampton, WV6 8TU

PROPOSAL: Extension (Library, Studio, Utility & WC) and conservatory to the rear

APPLICANT:

Dr Frank Reeves
53 Woodthorne Road
Wolverhampton
WV6 8TU

AGENT:

Mr Philip Jenks
1 Shirlett Heights
Broseley
Telford
Shropshire
TF12 5BH

COMMITTEE REPORT:

1. Site Description

- 1.1 The application property is located in a predominately residential area.
- 1.2 The properties in the near vicinity are predominately detached and located on large plots with extensive rear gardens.

2. Application details

- 2.1 This application is a for a single storey rear extension, consisting of a Library, Studio, Utility and WC. The proposal also includes a conservatory to the rear.
- 2.2 The proposed single storey rear extension is located along the boundary with No.55.
- 2.3 The proposed conservatory would be an infill between the proposed single storey rear extension and the existing single storey rear extension along the boundary with No.51.

3. Planning History

- 3.1 A/C/0431/79 for Garage and study with two dressing rooms over, Granted, dated 17.09.1979.

4. Constraints

- 4.1 Tree Preservation Order - TPO Ref: 06/00632/TPO
Tree Preservation Order - TPO Ref: 06/00467/TPO

5. Relevant policies

- 5.1 The Development Plan
Wolverhampton's Unitary Development Plan

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 (publication document Nov 2009).
ENV3 - Design Quality

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

7.1 One representation has been received from a neighbour who is opposed to the proposal. The objection can be summarised as follows:

- The proposed extension is inappropriate and disproportionate in mass and scale;
- The projection of the proposed extension would cause loss of light;
- The extension would have an overbearing impact;
- The proposal would be overdevelopment of the site.

8. Internal consultees

8.1 There were no internal consultations regarding this application.

9. External consultees

9.2 There were no external consultations regarding this application.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the Schedule of planning applications
(LD/12032012/N)

11. Appraisal

- 11.1 The key issues are: -
- Design; and
 - Neighbour amenity.

Design

- 11.2 The design of the proposed single storey rear extension and conservatory are considered to be of a good quality design which is in keeping with the character and appearance of the property. The design of the extension and conservatory are considered to be acceptable and is in accordance with saved UDP Policy D9 and BCCS Policy ENV3.

Neighbour amenity

- 11.3 The height of the proposed extension is 3.4m and it would project 6.2m beyond the existing extension of the neighbouring property No.55 Woodthorne Road. The proposed extension would be positioned 1m away from the boundary of the adjoining property No.55. The neighbouring property also has an existing single storey rear extension which has been positioned approximately 1m away from the adjoining boundary. It is considered that the position of the proposed extension and conservatory away from the adjoining boundary with No.55 is unlikely to have an adverse affect on the living conditions of that neighbouring property and therefore the proposal is in accordance with saved UDP Policies D4, D6 and D8.
- 11.4 There is an existing 2m high fence along the adjoining boundary between the application property and No.55. The additional 1.3m height of the single storey rear extension above the boundary treatment is likely to have a minimal affect on the outlook from the extended part of the neighbouring property. However, the outlook from the living room of No.55 is unlikely to be impaired as the living room is located on the far side of the property. The proposed conservatory is unlikely to affect either of the neighbouring properties due to its location in between the proposed rear extension and existing rear extension. As such, the height and massing of the proposed extension and conservatory is considered to be acceptable and is in accordance with saved UDP Polices D7 and D8.
- 11.5 The orientation of the application property is west facing. The proposed single storey rear extension and conservatory are unlikely to affect the daylight/sunlight to the rear windows of No.55 or its living room due to the orientation of the application property and neighbouring properties and therefore is in accordance with saved UDP Policy D8.
- 11.6 The application property is located on a large generous plot with a large rear garden. The proposed single storey rear extension and conservatory will not substantially reduce the amenity space at the property and is in accordance with saved UDP Policy D6 and adopted SPG4.

12. Conclusion

- 12.1 The proposal for a single storey rear extension and conservatory is considered to be acceptable as it is positioned away from the boundary of the neighbouring property. There is likely to be some minimal affect on the outlook from the neighbouring property but there will be no affect for the outlook from the main living room. The proposal is unlikely to affect the daylight/sunlight to the rear of No.55 due to the orientation of these properties. The proposal complies with Wolverhampton UDP saved Policies D4, D6, D7, D8, D9, SPG4 and adopted BCCS Policy ENV3.

13. Recommendation

13.1 That Planning Application 11/01205/FUL be granted, subject to any necessary conditions including:

- Materials to match existing.

Case Officer : Mr Dharam Vir
Telephone No : 01902 555643
Head of Planning – Stephen Alexander



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Planning Application No: 11/01205/FUL

Location	53 Woodthorne Road, Wolverhampton, WV6 8TU		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387483 300555
Plan Printed	16.03.2012	Application Site Area	m ²