

Wolverhampton City Council

OPEN DECISION ITEM

| | | |
|------------------------------|---|-----------------------|
| Committee / Panel | <u>PLANNING COMMITTEE</u> | Date: 24th April 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 (24th April 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 following tests, namely, they must be:

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

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 tests in the National Planning Policy Framework will apply. It should be further noted in any event that whether the CIL regulation 122 applies or not in all cases where a Planning Obligation is being considered regard should be had to the provisions of the National Planning Policy Framework as it is a material consideration.

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> |
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| 12/00234/DWF | Wilkinson Primary School Walter Road Wolverhampton WV14 8UR | Bilston East | Page 17 |
| 12/00341/VV | Blakenhall Gardens Dudley Road Wolverhampton | Blakenhall | Page 22 |
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| 12/00360/FUL | Carver Limited Littles Lane Wolverhampton WV1 1JY | Heath Town | Page 38 |
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PLANNING COMMITTEE - 24-Apr-12

APP NO: 12/00065/FUL

WARD: Bilston East

RECEIVED: 24.01.2012

APP TYPE: Full Application

SITE: The Iron Master, Wesley Street, Bradley, Wolverhampton

PROPOSAL: Demolition of former public house and erection of 4no. 2 Bedroom dwellings and 4no. 1 & 2 bedroom apartments including private and communal gardens with parking.

APPLICANT:

Mr Phillip Parkes
Parkes Construction Limited
Stonecroft Cottage
Vale Row
Upper Gornal
Dudley, DY3 3XH

AGENT:

Mr Gary Jones
Plot Design Solutions
93 Kempson Avenue
Sutton Coldfield
B72 1HF

COMMITTEE REPORT:

1. Site Description

- 1.1 The site comprises the currently vacant Ironmaster Public House. The surrounding area is predominantly residential, made-up of a mixture of dwelling types including detached, semi-detached, terraced, and apartments.
- 1.2 Immediately north of the site is an access road to off street residential parking, south and west of the site are residences separated by Brierley Lane and Wesley Street respectively. East of the site is a dual pitch roof bungalow (42 Brierley Lane).
- 1.3 The site is approximately 1.5miles south of Bilston Town Centre and 5miles south east of Wolverhampton City Centre.
- 1.4 A regular bus route serves the area, with a stop in front of the site. The Bradley Metro Stop is 1.2km from the site, providing links to Wolverhampton and Birmingham.
- 1.5 The Public House is of limited architectural merit being 1970s in style set in the rear corner of the plot with a large area of car parking to the front and side. Since its closure in August 2010 the Public House has suffered a sustained level of vandalism and material theft, leaving the building in a poor state of repair.
- 1.6 The site is edged by a grass verge and two semi mature trees.

2. Application details

- 2.1 The proposals involve the demolition of the vacant Public House and the construction of eight dwellings. There would be four apartments (2 x 1 bedroom & 2 x 2 bedroom) and four terrace houses (2 x 2 bedroom & 2 x 3 bedroom).
- 2.2 The apartment building has been designed to address the corner of the site and is located forward in the plot, with amenity space and parking to the rear.
- 2.3 Parking for the apartments would be provided at the rear of the site, accessed from Wesley Street, on a one space per apartment basis. The parking for the terrace

houses would be located to the front of the site, accessed from Brierley Lane, at a ratio of 1.5 spaces per dwelling.

- 2.4 Amenity space for the apartments totals 300sqm and is predominantly provided at the rear of the apartment building. Each of the terrace houses has a private garden space to the rear.

3. Planning History

- 3.1 No relevant planning history.

4. Constraints

Landfill Gas Zone
Mining Advice area: Standing Advice

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
C3 – Community Meeting Places
D6 – Design of Housing Development
AM12 – Parking and Servicing Provision

- 5.2 Black Country Core Strategy

CSP4 – Place Making
HOU2 – Housing Density, Type and Accessibility
ENV3 – Design Quality

Other relevant policies

- 5.3 National Planning Policy Framework

- 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. (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 Two representations received covering the following points:

- Loss of the public house as a community facility
- Inappropriate housing type
- Insufficient amenity space
- Overdevelopment
- Loss of amenity for 42 Brierley Lane

8. Internal Consultees

8.1 **Environmental Services** – No objections subject to conditions relating to acoustic attenuation, trickle vents, and Construction Method Statement

8.2 **Transportation Development** – No objections

8.3 **Tree Officers** – Two mature trees have been recently felled at the site. Three mature trees remain. Because of their poor condition they would not qualify for protection with a Preservation Order.

8.4 **Housing Standards Team** – The majority of properties meet adopted space standards. Where rooms do not meet standards they are marginally under the requirements and therefore considered acceptable.

8.5 **Landscape & Ecology** – No ecological issues. However, a condition is required for in respect of a landscaping scheme.

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. Legal Implications reference LM/12042012/C

11. Appraisal

11.1 The key issues are: -

- Loss of the Public House
- Amenity of neighbouring property
- Layout/Design
- Amenity space/Parking

Loss of the Public House

11.2 The Public House has been vacant since its closure in March 2010. Following closure the site was marketed by Colliers Cre as a freehold Public House. Limited interest was received, and the site was bought in September 2010 by the previous operators, with the intention of redeveloping the site. Following this the site was put back on the market as a development opportunity in April 2011 with the agents Bond Wolfe. The eventual selling price, after six months was £125,000 despite the original guide price of £180,000 (and the Public House having been valued at £350,000 when it was a going concern).

- 11.3 The site has been marketed as a Public House, and following that as a development opportunity. Whilst the second marketing approach was not specifically targeted at the Public House market, it did not prevent offers coming forward for the re-use of the building for that purpose. No offers were received. The reduced selling price compared to the original valued figure provides some evidence of deteriorating state of the Public House and the market generally.
- 11.4 The applicants have sought to obtain the accounts for the Public House for the period prior to the closure. Despite the appointment of Teepee Accountants it has not been possible for the applicant to obtain the financial information.
- 11.5 Since the closure of the Public House the building has fallen into a state of disrepair following a series of attacks by vandals. As a consequence the building is becoming a target of further crime, and is an eyesore in the street scene.
- 11.6 Alternative public house facilities have been identified within walking distance of the application site:
- The Old Bush, Bradley Lane – 0.3 miles from the site
 - The White House, Daisy Street – 0.4 miles from the site
 - The Great Western, Ash Street – 0.7 miles from the site
- 11.7 The applicants have therefore demonstrated that despite marketing efforts there has been no interest for the vacant building to re-open as a Public House. Other facilities exist within the area, and it would not be economically possible to retain or replace the facility. The proposals therefore are consistent with policy C3 of the UDP.

Amenity of the Neighbouring Property

- 11.8 The proposed development is on the same footprint of the existing public house in terms of the distance to the neighbouring property, 42 Brierley Lane. The proposed terraced houses would be forward of the existing public house by 4m, but would be back of the front elevation of 42 Brierley Lane by 5m. The roof of the nearest proposed house is hipped thereby reducing the mass of the building at the point with 42 Brierley Lane. It is considered that the design and position of the terraced houses will avoid an overbearing effect on the adjacent property.
- 11.9 In terms of privacy the applicant proposes the inclusion of a 1.8m high boundary wall between the site and 42 Brierley Lane. This boundary wall will ensure that the car parking spaces to the front of the terraced houses are sufficiently screened from view. The closest property has been designed to ensure habitable rooms face to the front and rear and consequently there is no issue regarding overlooking of the existing adjoining house. The proposals therefore are consistent with D7 and D8 of the UDP.

Layout/Design

- 11.10 The Public House is set back on the site with a large area of parking in front and to the side of the building. The development proposals seek to better address the street scene in terms of design. The apartment building will be located at the corner of the site (Brierley Lane and Wesley Street), whilst the four terraced houses will be set back slightly to ensure no overbearing on 42 Brierley Lane. The living spaces within the apartments will be located at the front of the building to maximise solar gain. The proposals are consistent with D4 and D6 of the UDP and CSP4 and ENV3 of the BCCS.
- 11.11 The proposals would add to the housing stock in the area as well as providing an appropriate mix of housing types. The applicant has indicated that the eight dwellings would be for open market sale. The proposals are consistent with HOU2 of the BCCS.

Amenity space/Parking

- 11.12 Each of the four proposed houses has a private rear garden which meets standards in SPG3. The amenity space associated with the apartments also meets standards with an overall area of 300sqm. Parking associated with the development is proposed at 1 space per apartment, and 1.5 spaces per house. The proposals meet the requirements of SPG3 and AM12 of the UDP.

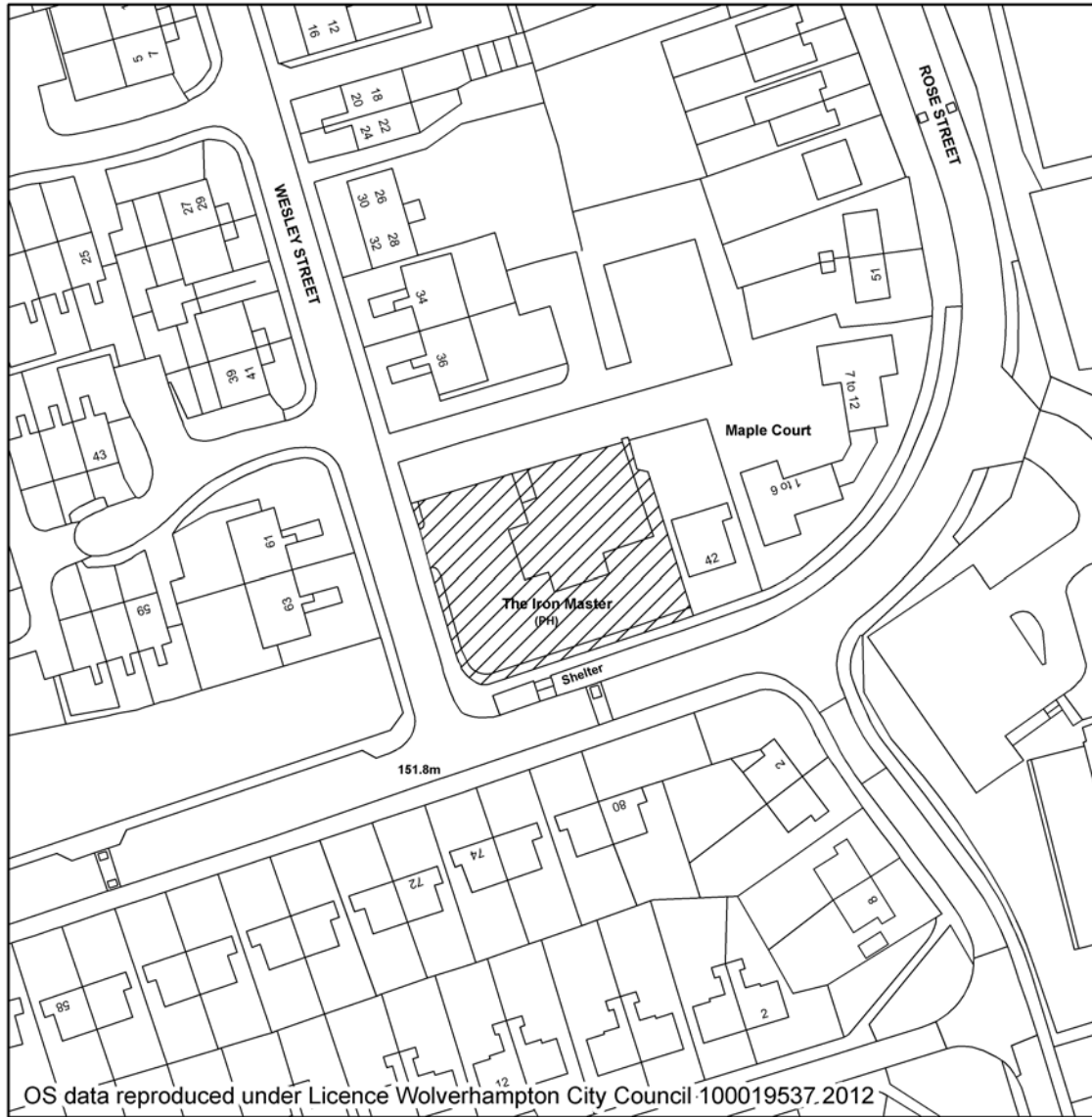
12. Conclusion

- 12.1 The proposals offer an opportunity to redevelop a vacant and now derelict Public House site. The applicants have demonstrated that the site has been marketed for a Public House with the only interest coming forward for redevelopment options. The retention of the Public House is therefore considered to be economically unviable. Alternative community facilities are present within reasonable walking distance of the site.
- 12.2 The proposed layout has been designed to address the corner of the site, with the terrace houses set back slightly from the apartment building. The result is an improved street scene design at a prominent point along Brierley Lane. The layout provides adequate garden sizes and sufficient parking to meet standards. The distance between the proposed terrace houses and existing adjacent property will ensure an undue overbearing effect is avoided.

13. Recommendation

- 13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00065/FUL subject to any appropriate conditions including the following:
- Boundary details
 - Bin storage
 - Sample materials
 - Landscaping
 - Hours of construction
 - Acoustic attenuation/trickle vents
 - Construction Method Statement
 - Cycle parking
 - Site Investigation

Case Officer : Mr Andy Carter
Telephone No : 01902 551132
Head of Planning – Stephen Alexander



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Planning Application No: 12/00065/FUL

| | | | |
|---------------------|--|-------------------------|--------------------|
| Location | The Iron Master, Wesley Street, Bradley, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 395520 294789 |
| Plan Printed | 12.04.2012 | Application Site Area | 1279m ² |

PLANNING COMMITTEE - 24-Apr-12

APP NO: 12/00198/FUL

WARD: Tettenhall Regis

RECEIVED: 23.02.2012

APP TYPE: Full Application

SITE: 68 Woodthorne Road South, Wolverhampton, WV6 8SL

PROPOSAL: Ground floor rear extension with dormer extension above

APPLICANT:

Mr Dharam Pal
68, Woodthorne Road South
Wolverhampton
WV6 8SL

AGENT:

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

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is a two storey detached dwelling set within a large plot and located in a predominately residential area.
- 1.2 The properties in the near vicinity are predominately detached dwellings of differing size and design with extensive rear gardens.

2. Application Details

- 2.1 The application is for a ground floor rear extension with dormer extension above. This would provide accommodation for a fourth bedroom and extension to bathroom.

3. Planning History

- 3.1 05/1956/FP/R for Two storey and single storey rear extension, Granted,dated 24.01.2006.
- 3.2 A/C/0535/79 for Garage Extension at front, Granted,dated 06.06.1979.

4. Relevant Policies

- 4.1 The Development Plan
Wolverhampton's Unitary Development Plan
 - D4 - Urban Grain
 - D6 - Townscape and Landscape
 - D7 - Scale - Height

D8 - Scale - Massing

D9 - Appearance

5. Other Relevant Policies

5.1 The National planning Policy Framework

5.2 Wolverhampton's Supplementary Documents
SPG4 - Extension to Houses

5.3 Black Country Core Strategy (publication document Nov 2009).
ENV3 - Design Quality
CSP 4 Place Making

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

7. Publicity

7.1 One representation received objecting and requesting to speak at planning committee on the following grounds:-

- Out of scale, design,
- Overbearing impact
- Overlooking causing loss of privacy
- Loss of daylight/Sunlight
- Loss of outlook
- Visually intrusive

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/13042012/H

9. Appraisal

9.1 The key issues are:-

- Design
- Neighbour amenity

Design

- 9.2 The proposed rear extension with dormer extension above has been designed to appear subservient to the original dwelling house. It has been designed with lower roof height of the dormer extension. This design approach assists in providing a less obtrusive impact on the appearance of the property and massing of the extension. The design of the proposal has no impact on the street scene as it will not be visible and the overall impact is acceptable.

Neighbour amenity

- 9.3 The orientation of the application property is east facing. The proposed rear extension and dormer extension are unlikely to affect the daylight/sunlight to the rear conservatory of No.70 or its bedroom due to the orientation of the application property and neighbouring properties and therefore is in accordance with UDP Policy D8. The proposed extension would be more visible to the neighbouring property at No.70 and there would be some minimal overbearing impact but not of a scale to warrant a refusal of planning permission.

10. Conclusion

- 10.1 The proposed rear extension with dormer extension above would not adversely affect neighbouring residential amenity to an unacceptable degree. The proposal is unlikely to affect the day/sunlight to rear of No.70 due to the orientation of these properties. The proposal is therefore in accordance with UDP Policies D7, D8, D9 and BCCS Policy ENV3.

11. Recommendation

- 11.1 That planning application 12/00198/FUL be granted subject to conditions to include:-
- Matching materials
 - Remove PD rights to introduced 1st floor windows to side elevations

Case Officer : Ms Sukwant Grewal
Telephone No : 01902 551676
Head of Planning – Stephen Alexander



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Planning Application No: 12/00198/FUL

| | | | |
|---------------------|--|-------------------------|-------------------|
| Location | 68 Woodthorne Road South, Wolverhampton, WV6 8SL | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 387408 300323 |
| Plan Printed | 12.04.2012 | Application Site Area | 691m ² |

PLANNING COMMITTEE - 24-Apr-12

APP NO: 12/00234/DWF

WARD: Bilston East

RECEIVED: 01.03.2012

APP TYPE: Full Deemed Planning Permission (WCC)

SITE: Wilkinson Primary School, Walter Road, Wolverhampton

PROPOSAL: New School

APPLICANT:

Mr Charles Green
Education and Enterprise
Wolverhampton City Council
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

AGENT:

Mr Lee Fordham
Architype Ltd.
Upper Twyford
Hereford
Herefordshire
HR2 8AD

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is in Bradley, in the south-eastern corner of the City, 1200m south of Bilston town centre. It is in a largely residential area, with houses to the north and west in Walter Road, Martin Road and Wilkinson Avenue backing onto the site. To the east is the Birmingham Canal. To the south are factories off Cross Street. The site is approximately 5m lower than Wilkinson Avenue. Access is from Walter Road.
- 1.2 The former school building was recently demolished following an arson attack. The school continues to operate from temporary accommodation.

2. Application Details

- 2.1 This application is for a replacement school building. The new building would allow for an expansion in the number of children by 118 (including nursery). The building would incorporate energy efficiency measures, to Passivhaus standards. A second access off Walter Road is proposed, 80m to the east of the existing access. It would serve an additional staff car park and a service area.

3. Planning History

- 3.1 12/00195/DEM Demolition of fire damaged buildings. Granted 5th March 2012.

Constraints

- Mineral Safeguarding Area
- Mining Referral area
- Sites and Monuments Entry – Wilkinsons Works, Turley's Works, Hallfields Furnace

4. Relevant Policies

4.1 National Planning Policy Framework

The Development Plan

4.2 Unitary Development Plan (UDP) policies:

| | |
|------|--|
| AM12 | Parking and Servicing Provision |
| AM15 | Road Safety and Personal Security |
| C1 | Health, Education and Other Community Services |
| D3 | Urban Structure |
| D4 | Urban Grain |
| D5 | Public Realm Public Open Private Space |
| D6 | Townscape and Landscape |
| D7 | Scale - Height |
| D8 | Scale - Massing |
| D9 | Appearance |
| D11 | Access for People with Disabilities |
| D10 | Community Safety |
| D12 | Nature Conservation and Natural Features |
| D13 | Sustainable Development (Natural Resources and Energy Use) |
| D14 | The Provision of Public Art |
| EP4 | Light Pollution |
| EP5 | Noise Pollution |
| EP6 | Protection of Ground Water, Watercourses, Canals |
| EP9 | Sustainable Drainage Arrangements for Development |
| EP11 | Development on Contaminated or Unstable Land |
| HE4 | Proposals affecting a Conservation Area |
| N1 | Promotion of Nature Conservation |
| N7 | The Urban Forest |
| N9 | Protection of Wildlife Species |
| R3 | Protection of Open Space, Sport and Recreation |
| R5 | Sports Grounds |
| R8 | Dual-Use of Open Space, Sport and Recreation |

Black Country Core Strategy (BCCS) policies:

| | |
|-------|--|
| TRAN2 | Managing Transport Impacts of New Development |
| TRAN4 | Creating Coherent Networks for Cycling and for Walking |
| HOU5 | Education and Health Care Facilities |
| CSP3 | Environmental Infrastructure |
| CSP4 | Place Making |
| ENV1 | Nature Conservation |
| ENV2 | Historic Character and Local Distinctiveness |
| ENV3 | Design Quality |
| ENV4 | Canals |
| ENV5 | Flood Risk, Sustainable Drainage and Urban Heat Island |
| ENV6 | Open Space, Sport and Recreation |
| ENV7 | Renewable Energy |
| WMV5 | Resource Management and New Development |

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a

formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).

- 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 Two letters have been received from residents of Walter Road. Both support the proposed new school but are concerned about traffic generation. One of the letters proposes a one-way system in Walter Road, speed humps and a lower speed limit. Attached to that letter is a list of 118 names headed "Safe for Kids - Walter Road - One Way Street".

7. **Internal Consultees**

- 7.1 **Archaeologist** – no objection, subject to a condition requiring archaeological investigation.
- 7.2 **Landscape & Ecology** – The Extended Phase 1 Habitat Survey is satisfactory. Its recommendations should be followed. If development is not commenced by July 2013, a follow up survey will be required. Some of the recommended plant species are too vigorous and some should be replaced with native species.
- 7.3 **Transportation** – On-site car parking is adequate. The following is required:
- Motorcycle parking with a locking point.
 - Staff cycle parking.
 - Updated School Travel Plan.
 - Traffic management/road safety measures on Walter Road.
 - Improvement to vehicular/pedestrian visibility from new eastern access.
 - Check access arrangements to east car park for service vehicles.
- 7.4 **Environmental Services** - comments awaited

8. **External Consultees**

- 8.1 **Sport England** raises no objections subject to a community use condition.
- 8.2 **The Coal Authority** raise no objections.
- 8.3 Comments awaited from **Environment Agency, British Waterways** and **LNP**.

9. **Legal Implications**

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications [LD/11042012/D].

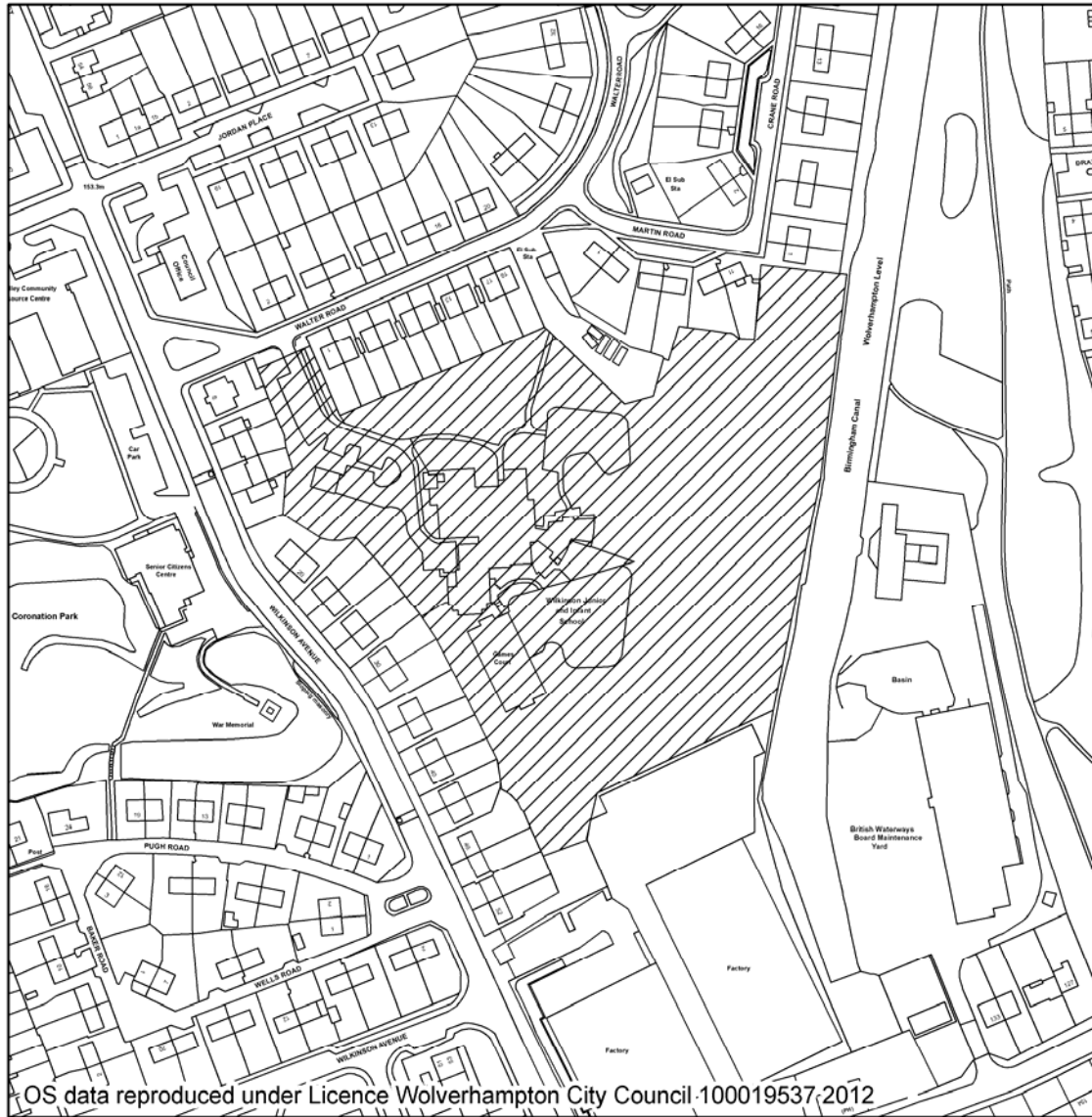
10. Appraisal & Conclusion

- 10.1 This is an established school site located within the area that it serves. A replacement school building is acceptable in principle.
- 10.2 The details of the proposal are broadly acceptable and in accordance with the development plan. However, the proposal does not include measures for the on-site generation of energy from renewable sources, as required by BCCS policy ENV7. The agents state that this is because the building would be so energy efficient that energy consumption would be 60% less than a typical new building. However, they have not explained why it is not possible for 10% of that reduced energy demand to be generated from renewable sources. In order to make the proposal compliant with BCCS policy ENV7 a condition is recommended.
- 10.3 Subject to no overriding objections being received by the date of Planning Committee and the imposition of conditions as recommended, the proposal would be acceptable and in accordance with the development plan.

11. Recommendation

- 11.1 That planning application 12/00234/DWF be granted subject to any appropriate conditions including;
- Materials
 - Drainage
 - Public art
 - Archaeological investigation.
 - Follow up ecology survey if development is not commenced by July 2013
 - Amended plant species & implementation of landscaping
 - Motorcycle parking with a locking point
 - Staff cycle parking
 - School Travel Plan
 - Landscaping
 - Traffic management/road safety measures on Walter Road
 - Improvement to vehicular/pedestrian visibility from new eastern access
 - Community use of sports facilities
 - 10% renewable energy generation

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



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Planning Application No: 12/00234/DWF

| | | | |
|---------------------|--|-------------------------|---------------------|
| Location | Wilkinson Primary School, Walter Road, Wolverhampton | | |
| Plan Scale (approx) | 1:2500 | National Grid Reference | SJ 395510 295193 |
| Plan Printed | 12.04.2012 | Application Site Area | 21141m ² |

PLANNING COMMITTEE - 24-Apr-12

APP NO: 12/00341/VV

WARD: Blakenhall

RECEIVED: 22.03.2012

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

SITE: Blakenhall Gardens, Dudley Road, Wolverhampton

PROPOSAL: Section 73 - Removal of condition 17 (to install external roller shutters to new retail units) of planning permission 10/00598/FUL for demolition of existing retail units and the erection of 102 dwellings to include 100 houses and 2 flats and ten commercial retail units.

APPLICANT:

Simon Gillot
Keepmoat Properties
The Waterfront
Lakeside Boulevard
Doncaster
DN4 5PL

AGENT:

Zahid Khan
BM3 Architecture Ltd.
28 Pickford Street
Digbeth
Birmingham
B5 5QH

COMMITTEE REPORT:

1. Site Description

1.1 The application related to the Blakenhall Gardens redevelopment located approximately 1.5km south of the City Centre. Two phases of housing are complete and the new retail units are also under construction.

2. Application Details

2.1 This application is to vary condition 17 to allow the installation of external roller shutters to the ten retail units. The alternative condition would be "*the shopfronts hereby approved shall be glazed in clear glass that shall not be obscured, blocked, or blanked off, by any means, internally, or externally, including by means of curtains, posters or shelving. Clear views must be maintained into the interior of the units, showing displays of merchandise and activity by people/customers. Reason: To maintain the vitality and viability of the centre as a whole and visual interest at the premises and in the wider street scene. Relevant BCCS policy ENV3 and UDP policy D6*".

3. Planning History

3.1 10/00598/FUL for Demolition of existing retail units and the erection of 102 dwellings to include 100 houses and 2 flats and ten commercial retail units.
Granted 4th February 2011

4. Relevant Policies

4.1 National Planning Policy Framework

- The Development Plan
- 4.2 Black Country Core Strategy policies (BCCS)
- CSP4 Place Making
ENV3 Design Quality
- 4.3 Wolverhampton's Unitary Development Plan policies (UDP)
- D5 Public Realm
D6 Townscape Landscape
D9 Appearance
D10 Community safety
- 4.4 Supplementary Planning Guidance no. 5 – Shop Front Design Guide

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. (This is explained at the beginning of the schedule of planning applications)
- 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. Internal Consultees

- 7.1 **Housing Strategy and Development** – No objections subject to a condition, that shutters are opened when the shops are open.

8. External Consultees

- 8.1 **Police** – Support the application. The site is located in an area of high crime. Fourteen of the 135 reported crimes in the area over the last 12 months, were burglary where shop premises were attacked and more than half of those were shops attacked from the front. Crime is a serious concern for shopkeepers in the area.
- 8.2 If the new shops do not have external security shutters installed at the time of development then those shops are highly likely to be targeted by criminals.

9. Legal Implications

- 9.1 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.

9.2 In light of the fact that this creates a new permission then a Deed of Variation to the existing S106 Agreement will be required to ensure the provisions of the s106 Agreement apply to this new permission.

9.3 General legal implications are set out at the beginning of the schedule of planning applications. [LC/02042012/B]

10. Appraisal

10.1 The main issue in this case is whether, the proposed roller shutters meet the policy guidelines of SPG5 and whether it has been established that the premises is located within a 'high risk' of crime area.

10.2 The advice in SGP5 was revised in September 2003 and states that external roller shutters will be acceptable when an applicant can show that the premises are within a "high risk" of crime area.

10.3 In accordance with the policy, a report from West Midlands Police has been submitted with the application which confirms that the proposed units are within such an area.

10.4 Once established that the premises is within a 'high risk' of crime area then in principle external roller shutters will be acceptable. The guidance suggests the use of 'open-lath' tube and link or a 'punched lath' roller shutter with apertures of 150mm x 50mm set at regular intervals not exceeding 20mm apart in order to achieve a minimum transparency of 53%.

10.5 The type of shutter proposed would accord with the policy. They would be colour coated to match the curtain walling with poly-carbonate infill sections to avoid glass breakage and would achieve 53% transparency.

10.6 The Blakenhall Gardens redevelopment was intended to transform the area. To allow roller shutters as proposed would to some degree undermine this aim. Even the best roller shutters reduce views into and out of the premises, create a fortress-like appearance and are a visible reminder that the area is at a high risk of crime. Nevertheless, the proposal meets the advice in SPG5 and if installed during construction, the roller shutter box (which is often an obtrusive element of the roller shutter) would be hidden behind the fascia and louvre cladding.

10.7 On balance the development is acceptable and in accordance with BCCS policies CSP4, ENV3, UDP policies D5 D6 D9 and D10 and SPG5.

11. Conclusions

11.1 The proposed external shutters would be harmful to the street scene and the image of the area. Nevertheless, the proposal would be in accordance with advice in SPG5 and by installing the shutters during construction the visual impact of the shutter boxes would be minimised. On balance, the development is acceptable and in accordance with the development plan.

12. Recommendation

- 12.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00341/VV subject to:
- (i) a deed of variation to tie the permission 12/00341/VV to the existing s106
 - (ii) variation of condition 17 of planning application 12/00341/VV to include additional condition that all shutters are opened during opening hours
 - (iii) any relevant conditions from 10/00598/FUL

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



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Planning Application No: 12/00341/VV

| | | | |
|---------------------|--|-------------------------|---------------------|
| Location | Blakenhall Gardens, Dudley Road, Wolverhampton | | |
| Plan Scale (approx) | 1:2500 | National Grid Reference | SJ 391563 297084 |
| Plan Printed | 12.04.2012 | Application Site Area | 34362m ² |

PLANNING COMMITTEE - 24-Apr-12

| <u>APP NO:</u> | <u>DATE REC'D:</u> | <u>VALID DATE:</u> | <u>TARGET DATE:</u> |
|----------------|--------------------|--------------------|---------------------|
| 12/00246/FUL | 06.03.2012 | 06.03.2012 | 01.05.2012 |
| 12/00247/VV | 06.03.2012 | 06.03.2012 | 05.06.2012 |

WARD: Bushbury North

SITE: 111 Taunton Avenue, Wolverhampton, WV10 6PN

APP TYPE: Variation of condition

PROPOSAL: Deletion of condition 18 of application 08/01081. Removal of requirement to restore and refurbish Springfield Cottage.

APP TYPE: Full Application

PROPOSAL: Demolition of existing house (Springfield Cottage) and erection of a replacement house and garage.

APPLICANT:
Bellway Homes West Midlands
Bellway House
Relay Point
Relay Drive
Tamworth
Staffordshire
B77 5PA

AGENT:
Mr Andy Williams
Advance Land & Planning Limited
6 Stafford Place
Shifnal
Shropshire
TF11 9BH

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located 5km north of the City Centre, adjacent to the former Fordhouses Cricket Club, which is being redeveloped by Bellway Homes for housing (08/01081/OUT). Approximately 40 of the 49 new dwellings have been completed.
- 1.2 Springfield Cottage is a detached house which appears to date from the 19th century. It is a relatively simple, but attractive example of a rural dwelling which has survived the 20th century expansion of the City in this area. It has its own private access from Taunton Avenue. Two oak trees of high amenity value are located next to the cottage.

2. Application details

- 2.1 Springfield Cottage was included in the Cricket Club application site and was proposed to be retained. Because of its historical significance, condition 18 was attached to the planning permission:

Prior to the commencement of development, a detailed strategy for the refurbishment of Springfield Cottage shall be submitted to and approved in writing by the local planning authority. As a minimum this strategy should include: a full specification clarifying the nature, extent and the materials of any repairs to the fabric and features of the building. The approved works shall be completed prior to occupation of 75% of the scheme.

- 2.2 The applicant contends that the building will require significant remedial works and that these works render its retention economically unviable and impracticable.

- 2.3 The applicant has therefore submitted two applications, one for the removal of condition 18 and the other for the demolition of Springfield Cottage and erection of a replacement four-bedroom house and garage.

3. Planning History

- 3.1 08/01081/OUT Outline - residential redevelopment of cricket ground. Granted 01.04.2010.
- 3.2 10/00642/REM Submission of reserved matters 'Appearance' and 'Landscaping' pursuant to 08/01081/OUT . Granted 10.09.2010.

4. Relevant Policies

- 4.1 National Planning Policy Framework

The Development Plan

- 4.2 Wolverhampton's Unitary Development Plan
D3 Urban Structure
D4 Urban Grain
D6 Townscape and Landscape
D7 Scale – Height
D8 Scale - Massing
D9 Appearance
D13 Sustainable Development
HE1 Preservation of Local Character and Distinctiveness
H6 Design of Housing development

Black Country Core Strategy

- 4.3 CSP4 Place Making
ENV2 Historic Character and Local Distinctiveness
ENV3 Design Quality

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).
- 5.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

- 6.1 No representations received.

7. Internal Consultees

- 7.1 **Transportation Development** – No objections in principle to the proposed development.

7.2 **Tree Officer** – No adverse impact on protected trees provided protective fencing is erected.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications. In respect of the application 12/00247/VV to vary an existing permission, in accordance with S73 of the Town and Country Planning Act 1990 the Council should only consider the question of the conditions subject to which planning permission should be granted, and

- (a) if it decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, it shall grant planning permission accordingly, and
- (b) if it decides that planning permission should be granted subject to the same conditions, as those subject to which the previous permission was granted, it shall refuse the application. KR/05042012/X

9. Appraisal

9.1 One of the core planning principles of the NPPF "...to conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations."

9.2 The NPPF also states that, "as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

9.3 UDP policy HE1 'Preservation of Local Character and Distinctiveness' states that "Physical features which strongly and positively contribute to the local character and distinctiveness ... should be retained. UDP policy D6 'Townscape and Landscape' requires that "...existing buildings...of local distinctiveness or townscape value should be retained ...". UDP policy D13 'Sustainable Development' seeks the reuse of existing buildings in the interests of the proper and efficient use of resources.

9.4 BCCS policy ENV2' Historic Character and Local Distinctiveness' states that "All development should aim to protect and promote the special qualities, historic character and local distinctiveness of the Black Country...'

9.5 The applicant contends the following:

- That the existing cottage is of no historic or architectural importance
- The cottage is structurally moribund and the extent of remedial work will render the remaining character worthless
- The remediation works are not economically viable
- The existing cottage will not sit happily in relation to the approved new dwelling adjacent to it
- New window openings would be needed to the west and east elevations which will further alter and erode the character and appearance of the existing building.
- The replacement dwelling will be a high quality house

Historic Importance

- 9.6 Springfield Cottage dates from the early 19th century and was most probably an agricultural worker's cottage. The building appears to be shown on the 1st Ed OS map of 1834. It has an historic significance of local importance, in that it is a rare survivor from the area's agricultural past, which has been subsumed by suburban development. Where practicable, refurbishment should be encouraged, since it provides the area with a sense of place and reflects the past in a very tangible way.

Structural Condition / Remedial Work

- 9.7 The submitted engineer's report states that significant work is required to bring the cottage up to modern standards. In particular, the building has suffered from foundation movement and the walls would require substantial repair.
- 9.8 This is not surprising given the age of the cottage. The report does not conclude that any of the issues are insurmountable. Overall, the report does not contain any information which would justify the demolition of the building, rather than its refurbishment.
- 9.9 In relation to the buildings character. The submitted Heritage Statement suggests that a significant proportion the historic fabric remains. The building is constructed of local handmade bricks and the front range retains its original layout, roof structure and natural slate covering. Much is made of the alterations made in the 1960s. However, this is a simple, vernacular, agricultural worker's cottage that would always have had a very basic functional interior with very little decoration. The report refers to the survival of original doors, sections of skirting, architrave, door cases, stairs and chimney pieces. Much survives of the original building, which could be repaired and if necessary provide patterns for authentic replication.
- 9.10 A significant amount of the original building and its character remains. It could be repaired and modernised without undermining its historic character and appearance.

Viability of Remediation Works

- 9.11 The cost of refurbishment works needs to be considered in the context of the residential development as a whole, which comprises 49 new dwellings as well as the refurbishment of the cottage.
- 9.12 The planning condition did not require the restoration of the cottage until occupancy of the new dwellings reached 75%, in order to allow for sufficient sales to take place in order to generate sufficient monies to enable the restoration of the cottage.
- 9.13 It is understood that sales on the adjacent housing site have been steady and the value of the houses relatively high. Evidence has not been provided which demonstrates that the viability of the development as a whole would be undermined by the refurbishment of the cottage.

Relationship of the cottage with the new development

- 9.14 The relationship between the proposed and existing houses was considered as part of application 08/01081/OUT and was found to be acceptable.

New Windows Would Erode Character and Appearance

- 9.15 The applicant considers it necessary to create additional windows to allow in more light. It would be possible to provide secondary windows to the dining and living rooms and the bedrooms in a sympathetic way which would not erode the character and appearance of the building.

Replacement House is High Quality

- 9.16 Taken in isolation the design of the proposed new house would be adequate. However, to justify the loss of Springfield Cottage, a heritage asset of local distinctiveness, an exemplary standard of design would be required.

10. Conclusion

- 10.1 The proposed demolition of Springfield Cottage would result in the total loss of significance, would destroy this last tangible link with the area's rural past and would reduce local distinctiveness, contrary to the underlying aims of the UDP, BCCS and NPPF. In the absence of clear evidence that the cost of the refurbishment of the cottage would undermine the viability of the Cricket Club development as a whole, the grant of planning permission is not justified.

11. Recommendation

- 11.1 That planning applications 12/00246/FUL and 12/00247/VV be refused for the following reason:

Springfield Cottage is an historic building of local importance. A clear and convincing justification has not been provided to justify the loss of this heritage asset, contrary to UDP policies HE1 'Preservation of Local Character and Distinctiveness', D6 'Townscape and Landscape' D13 'Sustainable Development' and BCCS policy ENV2 'Historic Character and Local Distinctiveness'.

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



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Planning Application No: 12/00246/FUL

| | | | |
|---------------------|---|-------------------------|-------------------|
| Location | 111 Taunton Avenue, Wolverhampton, WV10 6PN | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 391826 303790 |
| Plan Printed | 12.04.2012 | Application Site Area | 577m ² |

PLANNING COMMITTEE - 24-Apr-12

APP NO: 11/01176/DWF **WARD:** Oxley

RECEIVED: 14.12.2011

APP TYPE: Full Deemed Planning Permission (WCC)

SITE: Former Priory Green School, Ryehope Walk, Pendeford,

PROPOSAL: Change of use for the remainder of Priory Green School into office accommodation, internal refurbishment, single storey extension and an extension to existing car park.

APPLICANT:

Mr Kevin Moore
Wolverhampton City Council
Education & Enterprise
Civic Centre St Peters Square
Wolverhampton
WV1 1RL

AGENT:

Miss Nicky Sahota
Wolverhampton City Council
Corporate Services, Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

COMMITTEE REPORT:

1. Site Description

- 1.1 This 2.8ha site is located 3.5km north of the City Centre. The whole building was formerly a primary school but part of the building was recently converted to offices under planning permission 10/01115/DWF (phase 1).
- 1.2 To the north and south of the site is housing. To the east is Pendeford Park Local Centre and to the east is the Staffordshire and Worcestershire Canal, which is a Conservation area.

2. Application Details

- 2.1 It is proposed to convert 665sq.m. of the remaining school building to office accommodation for 63 members of staff (48 full time and 15 part-time) relocated from the Jennie Lee Centre. The remainder, (380sq.m.) would be used by the adjoining St Pauls School.
- 2.2 A 51sq.m. single storey front extension is proposed to create a new reception area.
- 2.3 The staff parking area created as part of phase one would be extended to create an additional 15 car parking spaces to accommodate the new staff.
- 2.4 In September 2011 Cabinet Resources Panel agreed the relocation strategy for Jennie Lee which identified Priory Green as the preferred option for the relocation of the Safeguarding and Social inclusion Services. Staff would mainly operate within the site, with children and parents visiting. The Services to be relocated would work closely with services relocated in phase one.

3. Planning History

- 3.1 10/01115/DWF - Part change of use to offices and creation of car park to the rear.
Granted 28.02.2011

4. Relevant Policies

- 4.1 National Planning Policy Framework

The Development Plan

- 4.2 Wolverhampton's Unitary Development Plan
AM10 Provision for Cyclists
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security
B6 Offices
C1 Health, Education and other Community Services
D5 Public Realm
D6 Townscape and Landscape
D8 Scale Massing
D9 Appearance
EP5 Noise pollution
SH4 Integration of Development into Centres
- 4.3 Black Country Core Strategy
CEN3 Growth in the Strategic Centres
CEN4 Regeneration of Town Centres
CEN5 District and Local Centres
CEN7 Controlling Out-of-Centre Development
CSP4 Place Making
CSP5 Transport Strategy
ENV3 Design Quality
TRAN2 Managing Transport Impacts of New Development
HOU5 Education and Health Care Facilities

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. (This is explained at the beginning of the schedule of planning applications)
- 5.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

- 6.1 Four letters have been received, from the Head of St Pauls School, Councillor Claymore and two local residents, which object on the grounds of potential traffic congestion and inadequate parking.

7. Internal Consultees

- 7.1 Transportation Development – No objection subject to further supporting evidence to demonstrate that the proposal would not create parking problems on Whitburn Close and conditions to secure a car park management strategy, highway improvements to Whitburn Close and repairs to the cycle store.

8. External Consultees

- 8.1 Sport England – no objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications. [LC/12042012/A]

10. Appraisal

- 10.1 The key issues are: -

- Principle of development
- Design of the extension
- Parking and access

Principle of development

- 10.2 BCCS policy HOU5 and UDP policy C1 'Health, Education and Other Community Services' seek to protect land and buildings in community service use.

- 10.3 The whole of the school building is no longer required to meet the educational needs of the community and so the proposed change of use from a community facility is in accordance with those policies.

- 10.4 Appropriate locations for office development on this scale are the City Centre and Bilston and Wednesfield. The application site is on the edge of a local centre. Within local centres office development will normally be limited to 200sq.m. The proposal therefore does not comply with BCCS policies CEN3, CEN4, CEN5 and CEN7.

- 10.5 However, the development would utilise vacant space within this existing Council building and the site is accessible by public transport.

Design of the extension

- 10.6 The proposed single storey extension would be appropriate in scale and height and in accordance with UDP policies D8 and D9.

Parking and access

- 10.7 The proposed 15 space car park extension would not be prominently visible from the public realm and would be located to minimise the loss of trees. Parking spaces would be 23 metres from the nearest residents. This is unlikely to result in any significant loss of amenity to residents particularly as the car park would only be in operation during day time hours. The proposal is in accordance with UDP policies D5, D6 and EP5.

- 10.8 Further information has been requested to demonstrate that the proposed number of parking spaces is appropriate in terms of the number of staff (phases 1 & 2). Subject

to the receipt of satisfactory information the proposal would be in accordance with UDP policies AM12 and AM15.

- 10.9 Due to the proposed additional trips, which would be more than the previous school use, highway safety improvements to Whitburn Close would be necessary. These can be secured through a condition.

11. Conclusion

- 11.1 Although the proposal would not comply with the development plan's centres policies, it would result in the reuse of unused floor space in an existing Council building, on the edge of a local centre that is well served by public transport. Subject to it being demonstrated that the proposed car park would be adequate, and the imposition of conditions as recommended, the development would be acceptable.

12. Recommendation

- 12.1 That the Director for Education and Enterprise be given delegated authority to grant planning application 11/01176/DWF subject to:
1. Demonstration that the car park would be adequate
 2. Any appropriate conditions to include:-
 - Provision /repair of cycle store
 - Car park management strategy
 - Highway improvements to Whitburn Close
 - Materials

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



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Planning Application No: 11/01176/DWF

| | | | |
|---------------------|--|-------------------------|---------------------|
| Location | Former Priory Green School, Ryehope Walk, Pendeford, | | |
| Plan Scale (approx) | 1:2500 | National Grid Reference | SJ 390323 302779 |
| Plan Printed | 12.04.2012 | Application Site Area | 29398m ² |

PLANNING COMMITTEE - 24-Apr-12

APP NO: 12/00360/FUL

WARD: Heath Town

RECEIVED: 27.03.2012

APP TYPE: Full Application

SITE: Carver Limited, Littles Lane, Wolverhampton

PROPOSAL: Demolition of fire damaged warehouse and the erection of two temporary buildings.

APPLICANT:

Mr Henry Carver
Carver Building Supplies
Littles Lane
Wolverhampton
WV1 1JY

AGENT:

Mr Ian Wilton
Tuffin Ferraby Taylor
Bank House
Cherry Street
Birmingham
B2 5AL

COMMITTEE REPORT:

1. Site Description

1.1 Carvers builders' merchants is located to the north-east of the City Centre. A serious fire recently destroyed the main warehouse building. The site is relatively flat although the south-west part of the site sits significantly below the adjacent street level. The surrounding area is a mix of commercial and residential.

2. Application Details

2.1 The application seeks permission for the demolition of the fire damaged warehouse and the erection of two single-storey modular buildings to provide warehouse facilities, with a trade counter situated within one of the buildings. The buildings would both be located on existing hardstanding areas on the western side of the site.

2.2 The temporary buildings would allow the business to continue trading pending the replacement of the fire damaged warehouse that the temporary buildings.

2.3 The large warehouse, which would include the trade counter, would provide approximately 1500sqm of floor space. It would have a pitched roof with a ridge height of approximately 9m. The building would be situated in the south-west corner of the site and be largely screened from the surrounding area due to the change in levels.

2.4 The smaller warehouse, which would provide about 500sqm of floor space for timber storage, would also have a pitched roof, with a ridge height of approximately 8m. This building would be located to the north of the large warehouse.

2.5 During demolition of the fire damaged building, demolition traffic would use a separate access to staff and customers, both accesses would be from Littles Lane. Staff and customer traffic would follow a one-way system through the site, exiting onto Great Western Street. After the demolition work is complete, the access arrangements will revert to the previous arrangement i.e. entering and exiting via the gatehouse at Littles Lane.

- 2.6 There would be a total of 25 parking spaces for customers. Staff parking is to remain as existing.

3. Planning History

- 3.1 1464/73 – Use of buildings for trade of builders and plumbers merchants and of land for storage of building supplies. Grant 31.5.73

4. Constraints

- 4.1 Authorised Processes
Conservation Area - Wolverhampton Locks Conservation Area
Canalside Quarter
Hazardous Premises
Mining Advice area
Sites and Monuments Entry

5. Relevant Policies

- 5.1 National Planning Policy Framework

The Development Plan

- 5.2 Wolverhampton's Unitary Development Plan
D3 Urban Structure
D4 Urban Grain
D5 Public Realm
D6 Townscape and Landscape
D7 Scale - Height
D8 Scale – Massing
D9 Appearance
EP5 Noise Pollution
EP10 Notifiable Installations
B5 Design Standards for Employment Sites
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security

Black Country Core Strategy

- 5.3 CSP4 Place Making
TRAN2 Managing Transport Impacts of New Development
ENV3 Design Quality
ENV7 Renewable Energy

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).
- 6.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the

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

7. Publicity

- 7.1 One letter has been received from a local resident. Whilst they have no objections in principle to the proposal they want hours of construction/demolition to be restricted.

8. Internal Consultees

- 8.1 **Environmental Services, Transportation** – No objections in principle to the proposed development.

9. External Consultees

- 9.1 **Health and Safety Executive** – Do not advise against the proposals.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications. [LC16012012/A]

11. Appraisal

- 11.1 The key issues in determining the application are:

- Economic Prosperity
- Design
- Access
- Residential Amenity
- Health and Safety Executive (HSE) comments

Economic Prosperity

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

- 11.3 Carvers is a significant investor and employment generator within the City. The operation of the business has been significantly affected by the fire which occurred earlier this year. The proposed development would allow Carvers to continue to trade at a good level and protect jobs until a more permanent solution is determined. For these reasons the proposal would accord with the aims of the BCCS.

Design

- 11.4 The buildings would both have a fairly standard industrial design, having a steel frame clad with pvc coated steel panels.

- 11.5 Given the temporary nature of the buildings, the proposed use and the fact that the buildings would be largely hidden from the public realm, the design of the buildings are appropriate.

Access

- 11.6 The proposed access arrangements, with all access from Littles Lane and egress only at Great Western Street for the duration of the demolition works, are acceptable.

Residential amenity

- 11.7 Although there are some residents close to the site, in Great Western Street, the proposed buildings would not have any adverse impact on their amenity provided that operational hours are restricted.

Health and Safety Executive (HSE) Comments

- 11.8 Due to the proximity of the existing hazardous substance installations, the Health and Safety Executive were consulted. Given the proximity, nature and intensity of the proposals and the fact that the operators of the tanks will be the same as those of the proposed buildings, they do not advise against the proposals.

12. Conclusion

- 12.1 Carvers is a significant stakeholder in the economy of the City but the operation of the business has been significantly affected by fire which took place earlier this year. The proposed development would allow Carvers to continue to trade at a good level and protect jobs until a more permanent solution is determined.
- 12.2 The design access arrangements and impact on neighbour amenity are acceptable and the proposal is in accordance with the development plan.

13. Recommendation

- 13.1 That Planning Application 12/00360/FUL be granted, subject to the following conditions:
- Temporary permission for three years
 - Restriction of operating hours during demolition and construction 08-00-1800 Monday to Friday, 0800-1300 Saturday and no times on Sundays or Bank Holidays

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



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Planning Application No: 12/00360/FUL

| | | | |
|---------------------|---|-------------------------|---------------------|
| Location | Carver Limited, Littles Lane, Wolverhampton | | |
| Plan Scale (approx) | 1:5000 | National Grid Reference | SJ 391706 299288 |
| Plan Printed | 12.04.2012 | Application Site Area | 40225m ² |

PLANNING COMMITTEE - 24-Apr-12

APP NO: 12/00359/EXT

WARD: Bilston North

RECEIVED: 26.03.2012

APP TYPE: Extension of time

SITE: Bilston Town Bowling Club, Villiers Avenue, Wolverhampton

PROPOSAL: Extension of time in respect of planning permission 08/00911/FULL for five bungalows (three detached _ two semis) and new practice bowling green

APPLICANT:

Mr A Smith
Bilston Bowling Club
16 Bingham Close
Tipton
DY4 8AW

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is the present Bilston Town Bowling Club. This consists of the Club House, car-park, main bowling green and the site of the former practice bowling green, now the proposed site for the bungalows.
- 1.2. The site is situated within an otherwise mainly residential location, surrounded by housing on all sides.

2. Application details

- 2.1 The application seeks to extend the life of an earlier planning permission for the erection of five bungalows (three detached and two semi-detached) on the site of the former practice green, together with a replacement practice green and re-design of the car park.
- 2.2 The application was granted on 22 May 2009 subject to a 106 Agreement, but it has not been possible for the applicant to implement this due to market conditions and so it is now requested that the life of the earlier planning consent is extended for a further three years.

3. Planning History

- 3.1 08/00911/FUL for five bungalows (three detached and two semi-detached), new practice bowling green and re-arrangement of parking spaces. Granted 22 May 2009. subject to a S106 Agreement dated 19 May 2009 ("the S106 Agreement").
- 3.2 At its meeting on 31 January this year the Committee approved a variation to the terms of the 106 Agreement attached to the earlier planning consent to better enable the scheme to proceed.

4. Relevant Policies

- The Development Plan
- 4.1 National Planning Policy Framework (Promoting Healthy Communities and good design)

4.2 Black Country Core Strategy (BCCS)

CSP4 - Place Making
ENV3 - Design Quality
ENV6 – Open Space, Sport & Recreation

4.3 Wolverhampton’s Unitary Development Plan

D6 - Townscape Landscape
D7 – Scale – Height
D8 – Scale- Massing
D9 – Appearance
H6 – Design of housing
R3 – Protection of Open Space, sport & recreation
R5 – Sports Grounds
C3-Community Meeting Places.

4.4 Supplementary Planning Guidance No. 3 Residential Development

5. Environmental Impact Assessment Regulations

5.1 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.

5.2 This development proposal is not included in the definition of projects that require 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. Internal Consultees

7.1 **Environmental Protection.** No objections subject to standard hours of construction condition.

7.2. **Transportation.** No objections. Advisory notes only.

8. External Consultees

8.1 **Sport England.** Awaited

8.2 **The Coal Authority;** Awaited

9. Legal Implications

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

- 9.2 In accordance with S106A of the Town and Country Planning Act 1990 a planning obligation may not be modified except by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable. Accordingly the S106 Agreement needs to be amended by way of a second Deed of Variation to tie in this renewal application with planning permission 08/00911/FUL the S106 Agreement itself and a first Deed of Variation. **KR/04042012/K.**

10. Appraisal and Conclusions

- 10.1 The scheme is exactly the same as that which was approved in 2009. That scheme has not been implemented due to the ensuing economic downturn. The Club now have a builder on board who is understood to be ready and able to commence the work. However before work can commence under the current planning consent, there are a number of planning conditions and building regulation matters which need to be dealt with and there may be a danger that the existing planning consent might lapse. Hence this application seeks to extend the life of the planning consent in case work is not commenced until a date when the current planning consent will have lapsed.
- 10.2 The only material difference in planning terms since the earlier approval, has been the new planning policy context in the form of the Black Country Core Strategy (Feb 2011) and the more recent introduction of the National Planning Policy Framework (march 2012). In the BCCS Policy CSP4 'Place Making' places an emphasis on ensuring that schemes take into account the character of a locality and policy ENV3 aims to ensure that all schemes are of a high quality of design. Both of these aspects were already encapsulated with this Councils UDP Policies D6 'Townscape' and D1' Design Quality' against which the earlier scheme was considered.
- 10.3 The scheme is a modest one for five bungalows set at the head of a cul-de-sac (Eleanor Road) of a scale, bulk, design, layout and materials, which will blend in with the established form of development. The scheme comprises one pair and three detached two bedroom bungalows. Rear garden lengths vary from 7 to 11m and all are of an area above the minimum specified in SPG3. Boundary treatments to the rear comprise 2m high close boarded fencing, with railings to the front. The protected Lime tree is to remain. Three of the bungalows are to have an on site parking space and one would have two.
- 10.4 The proposed replacement synthetic practice bowling green would be situated close to the clubhouse.
- 10.5 The existing informal car parking area is to be laid out to provide 24 spaces, including two disable spaces.
- 10.6 The proposal for developing a part of the grounds of the Bowling Club has been brought about by the urgent need to raise funds in order to carry out major repairs and modernisation of the club house. Without these repairs the club is said to almost certainly close. The delay in selling the development site, caused by market conditions and the need to alter the wording of the 106 Agreement earlier this year has clearly made matters even more urgent.
- 10.7 It is not anticipated that the works to the club house will require planning consent, but the terms of the 106 Agreement are designed to ensure that the Council sees a full specification and costing of these works and of the funds raised by the sale of the development land, to ensure that all funds so raised are spent on the club house upgrade, the new practice green and improvements to the car park. Facilitating the retention and future of this Bowling Club in this way would be of benefit to the local community and would be in accordance with the NPPF objective of 'Promoting Healthy

Communities by planning positively to protect sporting venues, and the objectives of BCCS policy ENV6 Sport & Recreation Facilities and UDP policies R3, R5 and C3.

- 10.8 The NPPF and relevant policies of the BCCS and UDP seek to protect existing sporting facilities. So in this case the normal requirement would be to ensure that either a replacement facility was to be provided, or that compensatory payment was made to the Council towards alternative sporting provision in the locality. At the time of the original application it was however accepted that in this case that the club would compensate for the loss of the grass practice green by providing a replacement synthetic practice green as proposed in the application, so long as all the funds raised from the sale of the development land were also spent on the replacement green and the up-grading of the club house and car park. This was an approach accepted by Sport England.
- 10.9 The same 106 Agreement authorised to be amended by the Planning Committee at its meeting on 31 January this year, by way of a First Deed of Variation can be used to cover any consent in respect of this application also, by means of a second Deed of Variation. This is set out in the recommendation.

11. Recommendation

- 11.1 That the Interim Strategic Director of Education & Enterprise be given delegated authority to grant planning application 12/00359/VV subject to:
- (i) No objections from Sport England
 - (ii) The receipt of a satisfactory mining risk assessment and no objection from The Coal Authority on this.
 - (iii) A second Deed of Variation to tie in this renewal application with planning the permission 08/00911, the S106 Agreement and the first Deed of Variation.
 - (iv) All relevant conditions including
 - Provision of the replacement practice bowling green, re-configured car park and cycle parking in accordance with a time table to be submitted and agreed under the terms of the 106 Agreement.
 - Approval of external materials
 - Removal of permitted development rights for extensions and outbuildings on the bungalows.
 - Provision of boundary treatments as shown.
 - Landscape details and implementation
 - Details of floodlighting and a report to include appropriate measures to protect adjacent residential users from light spill from the bowling green floodlights.
 - Details of means of disposal of surface water.
 - Protection of tree during construction.
 - A sprinkler system for plots 1 & 2.
 - Hours of construction limited to 0800hrs to 1800hrs Mon-Fri; 0800hrs to 1200hrs Sat; no work on Sundays or Bank Holidays.
 - Submission of site investigation report into possible contamination on the site any implementation of any remedial measures recommended.

Case Officer : Mr Alan Murphy
Telephone No : 01902 555623
Head of Planning – Stephen Alexander



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Planning Application No: 12/00359/EXT

| | | | |
|---------------------|---|-------------------------|--------------------|
| Location | Bilston Town Bowling Club, Villiers Avenue, Wolverhampton | | |
| Plan Scale (approx) | 1:1250 | National Grid Reference | SJ 394614 296840 |
| Plan Printed | 12.04.2012 | Application Site Area | 4529m ² |

PLANNING COMMITTEE - 24-Apr-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 This application was deferred at the planning committee meeting on 27th March for a site visit.
- 2.2 A two storey side extension along the boundary with No.18 Tynedale Crescent which would include the removal of the cat slide roof.
- 2.3 A single storey side extension and conservatory to the rear along the boundary with No.14.
- 2.4 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

Landfill Gas Zones - No.10 Ettingshall Park.
Mining Advice area -: Standing Advice

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 National Planning Policy Framework

5.3 Wolverhampton's Supplementary Document No.4 Extensions to Houses

5.4 Black Country Core Strategy 2011

ENV3 Design Quality

CSP\$ Place Making

6. Environmental Impact Assessment Regulations

6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (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. LM/03042012/G

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 and have an overbearing effect on the outlook from that room. SPG4 states that the extension should not significantly reduce the sunlight or daylight enjoyed by any habitable room of adjoining properties. . This part of the development is contrary to saved UDP policy D4 and SPG4. The proposal also includes a small extension to the rear kitchen which, due to its position away from the boundary, would not affect the amenity of the neighbouring properties

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 gable with a hipped roof. 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. Only one other of the dwellings of this type in the street has lost its cat-slide roof in this way and this was at a time before the new UDP was adopted in 2006 and before the adoption of the SPG on Hose Extensions. The development is therefore contrary to saved UDP 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 adopted 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 having an overbearing effect on the outlook and reducing the daylight/sunlight to the rear living room. The proposed two storey side extension would create a visual imbalance between the two semi-detached properties No.14 and No.16, and result in the loss of the distinctive cat-slide roof feature. 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 outlook, 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 | 12.04.2012 | Application Site Area | 348m ² |