

Wolverhampton City Council

**OPEN DECISION ITEM**

Committee / Panel	<b><u>PLANNING COMMITTEE</u></b>	Date: 22nd May 2012
Originating Service Group(s)	<b>EDUCATION AND ENTERPRISE</b>	
Contact Officer(s)	<b>Stephen Alexander (Head of Planning)</b>	
Telephone Number(s)	<b>(01902) 555610</b>	
Title/Subject Matter	<b>PLANNING APPLICATIONS FOR DETERMINATION</b>	

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**Recommendation**

Members are recommended to:

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

**PLANNING COMMITTEE (22nd May 2012)**

**Index of Applications**

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## **Guidance for Members of the Public**

The above index of applications and the recommendations set out in both the index and the reports reflect the views of Planning Officers on the merits of each application at the time the reports were written and the agenda sent out.

It is important to recognise that since the agenda has been prepared additional information may have been received relating each application. If this is the case it will be reported by the Planning Officers at the meeting. This could result in any of the following

- A change in recommendation
- Withdrawal of the application
- Recommendation of additional conditions
- Deferral of consideration of the application
- Change of section 106 requirements

The Committee will have read each report before the meeting and will listen to the advice from officers together with the views of any members of the public who have requested to address the Committee. The Councillors will debate the merits of each application before deciding if they want to agree, amend or disagree with the recommendation of the officers. The Committee is not bound to accept the recommendations in the report and could decide to

- Refuse permission for an application that is recommended for approval
- Grant permission for an application that is recommended for refusal
- Defer consideration of the application to enable the Committee to visit the site
- Change of section 106 requirements
- Add additional reasons for refusal
- Add additional conditions to a permission

Members of the public should be aware that in certain circumstances applications may be considered in a different order to which they are listed in the index and, therefore, no certain advice can be provided about the time at which any item may be considered.

## **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 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 LPA's are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application will necessarily have been judged to have been acceptable at an earlier date. The application should be judged in accordance with the test in s.38(6) P&CPA 2004 (see above). The outcome of a successful application will be a new permission with a new time limit attached.
- 1.8 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. LPA's may refuse applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

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

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

### **Right of Appeal**

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

### **The Development Plan**

- 2.1 Section 38 of the 2004 Planning and Compulsory Purchase Act confirms that the **development plan**, referred to above, consists of the *development plan documents* which have been adopted or approved in relation to that area.

- 2.2 Wolverhampton's adopted Development Plan Documents are the saved policies of Wolverhampton's Unitary Development Plan (June 2006) and the West Midlands Regional Spatial Strategy.

### **Environmental Impact Assessment Regulations**

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



## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00277/EXT                      **WARD:** Park  
**RECEIVED:** 08.03.2012  
**APP TYPE:** Extension of time

**SITE:** Land Adjacent 1 Haden Hill, Wolverhampton, WV3 9PT  
**PROPOSAL:** Erection of two, three bedroom terraced houses

**APPLICANT:**                                      **AGENT:**  
Mr Arsh Ellahi  
Ellahi Estates Limited  
30-32 Chapel Ash  
Wolverhampton  
WV3 0TN

### COMMITTEE REPORT:

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

- 1.1 The application site is located towards the southern end of Haden Hill and is situated within a predominantly residential area. The site lies adjacent to a shared driveway with untidy communal open space located between Haden Hill and Larches Lane.
- 1.2 The street scene is occupied by predominantly terraced properties with flat and bay frontages whilst there are a couple of semi-detached and detached properties.

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

- 2.1 The application is to extend the time limit for the previous planning application 09/00050/FUL for the erection of two, three bedroom terraced houses approved 17<sup>th</sup> March 2009.

#### **3. Relevant policies**

- The Unitary Development Plan
- 3.1 D4 - Urban Grain  
D6 - Townscape and Landscape  
D7 - Scale - Height  
D8 - Scale - Massing  
D9 – Appearance  
D10 – Community Safety  
D11 - Access for People with Disabilities  
D13 - Sustainable Development Natural Energy  
H6 - Design of Housing Development  
AM12 – Parking and Servicing Provision  
AM15 ‘Road Safety and Personal Security’

- Black Country Core Strategy
- 3.2 CSP4 – Place Making  
ENV3 – Design Quality
- 3.3 Supplementary Planning Guidance Note 3 – Residential Development
- 3.4 National Planning Policy Framework

#### **4. Environmental Impact Assessment Regulations**

- 4.1 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.
- 4.2 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.

#### **5. Publicity**

- 5.1 One letter of objection has been received with a request to speak at Planning Committee. The concerns are:
- No notification of the application, (this was an oversight which has been explained and an apology accepted)
  - Interference with their property,
  - Overlooking, increase in noise and disturbance, and
  - Increase in parking and traffic congestion.

#### **6. Legal Implications**

- 6.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal implications reference LM/02052012/K

#### **7. Appraisal**

- 7.1 The key issues in determining this application are:
- **Material changes since the grant of the original consent**
  - **Street Scene, Layout, Design and Appearance**
  - **Private Amenities**
  - **Effect on Neighbour's Amenities**
  - **Other Matters**

### Material changes since the grant of the original consent

- 7.2 Paragraph 60 of Circular 11/95 sets out national advice on the renewal of planning permissions. As a “general rule” applications for the renewal of planning permissions should only be refused where, there has been a material change in the planning circumstances since the original permission was granted; continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or the application is premature because the permission still has time to run.
- 7.3 The proposal has not altered since the approval of the earlier application. However since the original approval, the Black Country Core Strategy (BCCS) and the National Planning Policy Framework (NPPF) have been adopted. Whilst there are no major implications in respect of the NPPF, two policies of the BCCS are of most significant, namely policies CSP4 ‘Place Making’ and ENV3 ‘Design Quality’.
- 7.4 BCCS policy CSP4 ‘Place Making’ states all developments are required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. It further states that the design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current needs, changes in society and cultural diversity.
- 7.5 BCCS policy ENV3 ‘Design Quality’ states, successful place-making will depend on understanding and responding to the identity of each place with high quality design proposals. Proposals should implement principles of “By Design” to ensure the provision of high quality design proposals.
- 7.6 The proposal does not conflict or contravene the policies of the BCCS listed above and it is considered that the development will not adversely affect the character and appearance of the adjacent dwellings or the street scene, will have no adverse neighbour impact and provides for adequate private amenities.

### Design/Street Scene

- 7.7 The proposal has been designed to replicate that of the properties immediately adjacent to the application site. The proposal is for two, three bedroom terraced properties with bay frontages and design features such as entrance porches and windows to match that of the adjacent properties. Furthermore the proposed properties are of similar scale, size and nature to the adjacent dwellings and as a result the proposal is considered acceptable as it does not detract from the character and appearance of the street scene or the adjacent properties. The proposal is therefore in accordance with UDP policies D6 ‘Townscape and Landscape’, D7 ‘Scale – Height’, D8 ‘Scale – Massing’, D9 ‘Appearance’, BCCS policies CSP4 ‘Place Making’ and ENV3 ‘Design Quality’.
- 7.8 The orientation of the properties, east to west has been accommodated in the design of the properties in that the main habitable rooms have been positioned to the front of the property in order to maximise the dwelling's potential for solar gain. The proposal is therefore in accordance with UDP policy D13 ‘Sustainable Development Natural Energy’.

### Private Amenities

- 7.9 The properties have adequate private amenities in accordance with advice as set out in Supplementary Planning Guidance Note No.3 'Residential Development'.
- 7.10 The application site is also within an area identified as having good levels of accessibility to local public transport services and whilst parking provision is available on street, the proposal provides for a parking space for each dwelling to the rear of the site accessed off Larches Lane. The proposal is therefore in accordance with the requirements of UDP policies AM12 'Parking and Servicing Provision' and AM15 'Road Safety and Personal Security'.

#### Effect on Neighbour's Amenities

- 7.11 The proposal is of a design similar to that of the adjacent properties with the exception of a projecting rear element to that on the adjacent properties. As a result, it is considered that this proposal will not adversely affect the amenities of the adjoining neighbour by virtue of overlooking, loss of light or impact on any visual amenities.
- 7.12 In respect of parking provision, as the applicant has provided for off street parking provision and as the site is within an area of having good levels of accessibility to public transport as addressed above, it is considered that this aspect of the proposal will not adversely affect the neighbouring amenities.
- 7.13 Whilst the proposal will cause some level of noise and disruption during construction, it is considered that subject to the use of appropriate hours during construction, this can be adequately controlled. As such the proposal is considered to be in accordance with UDP policies D8 'Scale-Massing' and H6 'Design of Housing Development'.

#### Other Matters

- 7.14 The remaining area to the rear of the properties in Compton Road, Haden Hill and Larches Lane is currently derelict and unused. As a consequence the area has become an untidy track and is being used as a rat run between the two roads, for fly tipping and anti-social behaviour. It is part of this proposal, to create an area of parking and amenity space for the bedsits on Compton Road. Gates and a boundary wall will also be provided to improve the appearance of the site and site security. The proposal is therefore considered to be in accordance with UDP policies D6 'Townscape and Landscape', D9 'Appearance' and D10 'Community Safety'.

### **8. Conclusion**

- 8.1 The application represents an extension of the time limit on the planning permission which expired 17<sup>th</sup> March 2012 (although the application was submitted prior to this date and so can still be dealt with as an extension of time). It is considered that the scheme is in accordance with policy changes of note or significance since the previous approval. The failure to commence the development has not resulted in uncertainty about the site but is as a result of the downturn in the current economic climate.
- 8.2 The proposed development is considered to be acceptable in respect of its design, impact on the character and appearance of the street scene, providing

adequate private amenities and parking and having no adverse neighbour impact.

8.3 The application is consistent with all relevant UDP and BCCS policies.

## **9. Recommendation**

9.1 Grant planning application 12/00277/EXT, subject to the following conditions (which were applied to 09/00050/FUL) :

- Submission of materials
- Hard surface materials to be submitted
- Details of boundary treatments to be agreed
- Details, design and operation of gated system
- Haden Hill access to be stopped up and the footway reinstated
- Land contamination report
- Restrict hours of construction
- Disabled access details to be agreed

**Case Officer : Mr Ragbir Sahota**

**Telephone No : 01902 555616**

**Head of Planning – Stephen Alexander**



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**Planning Application No: 12/00277/EXT**

Location	Land Adjacent 1 Haden Hill, Wolverhampton, WV3 9PT		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390220 298737
Plan Printed	10.05.2012	Application Site Area	280m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 11/01100/FUL

**WARD:**

Bilston East

**RECEIVED:** 10.11.2011

**APP TYPE:** Full Application

**SITE:** Crescent House, Broad Street, Bilston, Wolverhampton

**PROPOSAL:** Change of use at first floor from office (B1) to training facility with accommodation (SUI GENERIS) - (Amended description)

**APPLICANT:**

Mr Sham Basra  
Crescent House  
Broad Street  
Bilston  
Wolverhampton  
WV14 0BZ

**AGENT:**

Paul Lees  
Paul Lees Designs  
14 Sonning Drive  
Wolverhampton  
WV9 5QN

### COMMITTEE REPORT:

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

- 1.1 Crescent House lies to the north west of Bilston Town Centre at the junction of Broad Street and The Crescent. The two storey red brick building is prominent in the street scene, with strong fenestration details, window lintels, and stone door surrounds. An iron railing surrounds the site, with brick built pillars located at each entrance point from the pavement.
- 1.2 The surrounding land uses comprise Hickman Park to the east, low-rise flats and maisonettes to the south and west, and houses and a convenience store to the north. The area is therefore predominantly residential in character. Accessibility is provided by the Crescent Metro Stop 100m north of the site, and bus services running on Wellington Road.
- 1.3 The first floor of the building has been vacant for 18 months since the previous occupiers Wolverhampton City NHS Primacy Care Trust, Child and Family Service vacated the space. The ground floor remains in use and is occupied by Nants Water Suppliers.

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

- 2.1 The proposals are to change the use of the first floor of the building from offices (B1) to a training facility with accommodation (sui generis). The internal space would be reconfigured to provide four training rooms, nine study bedrooms, and support facilities in the form of shower rooms and a kitchen. The reconfiguration has been designed to follow the fenestration pattern of the existing building and to avoid any external alterations.
- 2.2 The training facility with accommodation is known as a "Foyer". The proposals would offer affordable accommodation for nine young people aged 16-25 who

are homeless or in housing need. Residents would be required to take part in the training and support services on offer. The applicant has advised that a network of similar facilities exist within urban and rural communities across the UK. The closest Foyer to the application site is within West Bromwich, and is operated in conjunction with the YMCA.

- 2.3 The only external alteration with the proposals would be the construction of a gated bin store and cycle store. An area of external amenity space is proposed at first floor within the central core of the building, totalling approximately 50sqm.
- 2.4 The applicant advises that there will be one qualified support worker on-site 24hours a day. A further three support workers will work shifts 07.00 – 22.00. The result will be two members of staff present at all times during the period 07.00 – 22.00. One security staff member will be present at all times. There will be sleeping quarters within the staff office for out-of-hours staff.

### **3. Planning History**

- 3.1 00/1167/FP for Change of use from Test Centre to Offices, Granted,dated 20.10.2000.
- 3.2 98/0195/FP for Change of use from former Government Offices to Church/Community Centre, Refused 04.06.1998 due to road safety and lack of off street parking provision.

### **4. Constraints**

- 4.1 No constraints of relevance.

### **5. Relevant Policies**

#### The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

- C1 Health Education and other Community Services
- H11 Special Needs Accommodation
- AM12 Parking and Servicing Provision

- 5.2 Black Country Core Strategy

- EMP3 Local Quality Employment Areas
- TRAN4 Creating Coherent Networks for Cycling and for Walking
- HOU5 Education and Health Care Facilities

#### Other relevant policies

- 5.3 National Planning Policy Framework



## **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)"

## **7. Publicity**

- 7.1 Three petitions have been received, two in objection, and one in support of the proposals. Of the petitions in objection one has been received from Rt Hon Pat McFadden MP submitted prior to the receipt of the application with 68 signatures, the other contains 27 signatures, and was received during the consultation period. The petition in support provided by Nant Ltd (occupiers of Crescent House) contains 22 signatures.

- 7.2 Two letters of objection and one letter in support have also been received.

- 7.3 The issues raised in objection are outlined below:

- Management of the facility
- Impact on Neighbour Safety
- Security measures
- Increased pressure on parking

- 7.4 The issues raised in support are outlined below:

- Benefits to society of a facility that would support individuals to complete courses

## **8. Internal Consultees**

- 8.1 **Environmental Services** – No observations

- 8.2 **Transportation Development** – The number of additional vehicles parking on-street generated by tutors, staff and security is unlikely to be higher than if the current office permission was fully utilised. Condition cycle parking for a minimum of six spaces plus motorcycle bays.

## **9. Legal Implications**

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

- 9.2 Subject to the Town and Country Planning Use Classes Order 1987 the proposed use is Sui Generis which means that certain uses do not fall within any use class.. Legal implications reference: LM/10052012/R

## 10. **Appraisal**

10.1 The key issues are: -

- Management of the facility
- Neighbourhood Amenity
- Traffic Generation/Parking
- Principle of the Use

### **Management of the facility**

- 10.2 The applicant has provided a supporting statement outlining the use of the building as a training centre with accommodation (Foyer). The Foyer would be run by a Community Interest Company (CIC) with charitable status. A CIC is a business with primarily social objectives whose surpluses are principally reinvested for that purpose. The intended operators of the Foyer are STAP (Supported Temporary Accommodation Project).
- 10.3 To obtain a place within the Foyer residents would be required to sign up to an education and training programme based on their skills and the type of job they are interested in. Residents would be able to apply directly, through a hostel, the Housing Executive, or a local advice centre. Prior to acceptance within the Foyer residents would be interviewed by qualified Risk Assessors, and if successful would have to sign an agreement requiring them to abide by the rules, and take part in education and training schemes. Successful residents would also have to have a local connection with Wolverhampton, such as having family living in the area. The applicants state that “any youngsters with more than a minor misdemeanour on their record will not be eligible to attend the facility.”
- 10.4 The applicants advise that residents can be evicted from the Foyer if they do not pay their rent, do not follow their training programme, or cause a nuisance to other residents. The maximum stay is six months, after which permanent accommodation will have been arranged through professional support workers. There is no minimum stay at the facility.
- 10.5 The type of courses proposed at the Foyer includes literacy and numeracy, life skills, health and sexual education, debt management, domestic life skills, and support with work placements. The qualifications proposed will be at NVQ Level 2, and the assessing body would be South Birmingham College.
- 10.6 The applicants also advise that the facility may occasionally be approached by agencies of the City Council to provide emergency accommodation on a short term basis. In such circumstances the same rules would apply in terms of residents needing to sign up to an education and training programme. The proposals are consistent with policy C1 of the UDP.

### **Neighbourhood Amenity**

- 10.7 The applicants advise that the building will be monitored by 24 hour closed circuit television cameras, both internally and externally to ensure the correct behaviour of residents. Residents will be forbidden from congregating outside

the building or within the local area. This would be a condition of their continuing occupation of the Foyer.

10.8 In addition to the CCTV a member of security staff will be on-site at all times.

10.9 It is considered that the applicants have demonstrated that the security and amenity of the surrounding neighbourhood will be protected and maintained. The proposals meet the requirements of policy H11 of the UDP

### **Traffic Generation/Parking**

10.10 There are no on-site parking spaces proposed with the change of use. The site is however deemed to be highly accessible due to its proximity to the Crescent Metro stop, bus routes, and Bilston Town Centre. Consequently there are non-car alternatives to accessing the site. The proposed use would be likely to generate a lower number of traffic movements, and therefore lower parking demand than the permitted offices. The proposals are consistent with AM12 of the UDP.

### **Principle of the Use**

10.11 The area is predominantly residential and therefore is largely suited to a residential use with on-site training facility. The building can be re-configured internally with no external alteration, ensuring that the distinctive character of the structure can be maintained. Whilst the proposals result in the loss of the office space, the location is not defined as an employment area, and the proposed use has an employment element. Therefore the principle of the use is deemed acceptable and consistent with H11 of the UDP and EMP3 and HOU5 of the BCCS.

## **11. Conclusion**

11.1 The proposals are for training and residential facilities which would provide a specialist form of accommodation meeting the objectives of Wolverhampton City Council in educating and supporting young members of the community who are homeless or in housing need. The proposals would bring a vacant office space back into occupation. Levels of parking would be no greater than the permitted office use.

11.2 The applicant has demonstrated that the proposals are compatible with the local residential area, through assurances over the type of resident, the on-site security arrangements, and the management of the facility.

11.3 The application is consistent and compliant with the Unitary Development Plan and Black Country Core Strategy.

**12. Recommendation**

12.1 That planning application 11/01100/FUL be granted, subject to any appropriate conditions including the following:

- Cycle/motorcycle parking
- Bin store

**Case Officer : Mr Andy Carter**

**Telephone No : 01902 551132**

**Head of Planning – Stephen Alexander**



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**Planning Application No: 11/01100/FUL**

Location	Crescent House, Broad Street, Bilston, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 394579 296608
Plan Printed	10.05.2012	Application Site Area	697m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00308/RP

**WARD:**

Tettenhall Wightwick

**RECEIVED:** 15.03.2012

**APP TYPE:** Retrospective Planning Permission

**SITE:** Compton Garth, 2 Ash Hill, Wolverhampton

**PROPOSAL:** Garden room/studio in rear garden

**APPLICANT:**

Mr David Maidment  
Compton Garth  
2 Ash Hill  
Wolverhampton  
WV3 9DR

**AGENT:**

### COMMITTEE REPORT:

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

- 1.1 The site comprises a large rear garden at Compton Garth (2 Ash Hill). The garden is west facing and is surrounded by a number of deciduous and non-deciduous trees.
- 1.2 The host dwelling is a modern house dating from late 20th century. The dwelling has been built as a pair with the adjacent St Mawes (4 Ash Hill).
- 1.3 The site forms part of the Ash Hill Conservation Area.

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

- 2.1 The application is retrospective as the garden room/studio has already been constructed.
- 2.2 The building is located on the boundary line with the adjacent house (4 Ash Hill) and is approximately 5.3m from the rear of the host dwelling.
- 2.3 The footprint of the building is 7m wide and 3m deep. The height is 2.3m at the boundary with 4 Ash Hill, increasing to 3m on the elevation facing the host garden. The building is constructed from wood and has been painted green. Fenestration is in the form of two sliding patio doors at the front, facing onto the host garden, and a side window facing the host dwelling.
- 2.4 The eaves of the building have been designed to be suitable for roosting bats. Three evergreen shrubs have been planted at the side of the building to screen the structure from the adjacent dwelling.
- 2.5 A water tank has been provided at the rear of the building to collect run-off from the sloping roof.

### **3. Planning History**

3.1 No relevant planning history.

### **4. Constraints**

4.1 Ash Hill Conservation Area

### **5. Relevant Policies**

#### The Development Plan

5.1 Wolverhampton's Unitary Development Plan

- D7 – Scale Height
- D8 – Scale Massing
- D9 – Appearance
- HE3 – Preservation and Enhancement of Conservation Areas

#### Other relevant policies

5.2 Black Country Core Strategy

- ENV3 – Design Quality
- ENV5 – Flood Risk and Sustainable Drainage Systems

### **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 One representation has been received outlining the following planning considerations:

- Overbearing effect
- Loss of amenity of rear garden
- Number of buildings in the garden
- Flood risk as a result of water run-off from the roof
- Impact on the conservation area

## **8. Internal Consultees**

**Historic Environment Team** – the change in levels when viewing the property from Compton Road and Ash Hill means the building is not visible from the public realm. As such the construction of the building is not harmful to the character or appearance of conservation area.

## **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.

10.2 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act. Legal implications reference LM/02052012/L

## **11. Appraisal**

11.1 The key issues are: -

- Loss of amenity for adjacent dwelling
- Number of outbuildings within the application garden
- Flooding as a result of water run-off from the roof
- Impact on the Conservation Area

### **Loss of amenity for adjacent dwelling**

11.2 Permitted development rights allow for an outbuilding of up to 2.5m in height, when the structure is within 2m of the boundary with an adjacent property.

The assessment is therefore based on the additional 0.5m height of the building which does not fall within permitted development and has resulted in the need for a planning application to be made retrospectively.

11.3 The distance from the building to the rear of the adjacent house is approximately 8m. Whilst there is a difference in levels which makes the building appear marginally larger from the adjacent house it is considered that the distance from the house, and considerable size of the gardens means that the scale and mass of the building would not have an undue overbearing effect on 4 Ash Hill or the garden of that property.



- 11.4 The building is north west of the neighbours house, therefore loss of light is not an issue. The locations of windows within the building do not result in overlooking issues. The proposals are consistent with UDP policies D7 and D8.

#### **Number of outbuildings within the application garden**

- 11.5 There are a series of outbuildings within the rear garden of the application site. Permitted development allows for 50% of the curtilage of the dwelling to be covered by buildings (excluding the ground area of the original dwellinghouse). Even with the addition of the application building the total area of coverage falls a considerable way below 50% due to the size of the garden. The proposals are consistent with UDP policy D9.

#### **Flooding as a result of water run-off from the roof**

- 11.6 The applicant has installed a 1,000 litre water tank to collect rain fall from the roof of the building, for watering the garden. It is considered that the water tank is sufficient for the run-off from a domestic outbuilding. The proposals are consistent with BCCS policy ENV5.

#### **Impact on the Conservation Area**

- 11.7 The structure is not visible from the public realm within the conservation area. Therefore it cannot be judged to have a detrimental impact on the character and appearance on the conservation area. The proposals are consistent with UDP policy HE3.

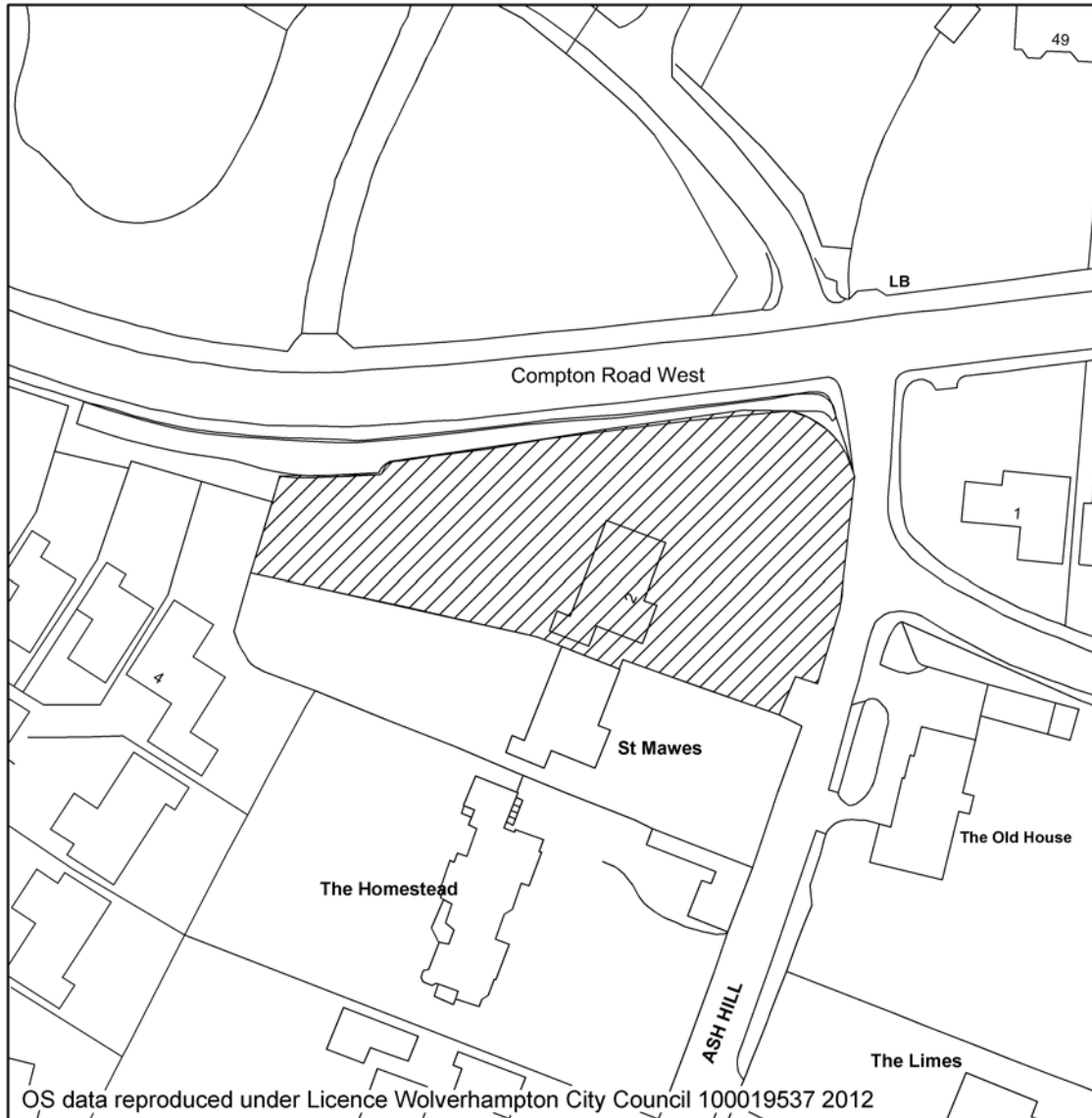
### **12. Conclusion**

- 12.1 The structure is marginally greater in scale than that which permitted development would allow. The size of the gardens and distance from the neighbour's house means that there is not an undue overbearing effect caused by the building. The position of the building to the north west would not result in a loss of light. In summary the building is acceptable and appropriate within a large rear garden, and is consistent with UDP and BCCS.

### **13. Recommendation**

- 13.1 That planning application 12/00308/RP be granted.

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



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**Planning Application No: 12/00308/RP**

Location	Compton Garth, 2 Ash Hill, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 388856 298647
Plan Printed	11.05.2012	Application Site Area	2122m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00364/FUL

**WARD:** Ettingshall

**RECEIVED:** 26.03.2012

**APP TYPE:** Full Application

**SITE:** Former Sports Ground Adjacent To Sunnyside, Taylor Road,  
Wolverhampton

**PROPOSAL:** Proposed erection of two industrial units

**APPLICANT:**

Mr Roger Gupta  
Drywall Steel Sections Limited  
Rear Of Masterfreight  
AMK House  
West Bromwich Street  
Oldbury  
B69 3AY

**AGENT:**

Mr J.L. Sullivan  
Alan Smith Associates  
2 Mill Lane  
Feckenham  
Redditch  
Worcestershire  
B96 6HY

### COMMITTEE REPORT:

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

- 1.1 The site is located approximately 1.2 miles west of Bilston Town Centre. It is roughly 'L' shaped and has an area of 0.97 hectares. The site occupies part of a former cricket pitch. The north-east part of the former pitch is now used as a driving test centre. The land is poorly maintained and has not been used as a cricket pitch for in excess of five years.
- 1.2 The surrounding area is predominantly industrial in character although there are three houses to the west on Taylor Road. The rear gardens of which are ten metres away.

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

- 2.1 The application is for two commercial units, for uses falling within Use Classes B1b (Research and Development), B1c (Light Industry) and B8 (Storage and Distribution).
- 2.2 The layout shows two buildings, connected by a covered link, of 3,650sq.m. and 817.20sq.m. gross internal floorspace respectively. They would be between 6.5m and 7.5m high and clad in profiled metal sheeting and brickwork.
- 2.3 Vehicular and pedestrian access would be from Spring Road. The layout shows 39 car parking bays (of which two would be disabled parking bays) and three lorry parking spaces. The access road runs along an east-west axis through the centre of the site, with the smaller of the two buildings to the north.
- 2.4 A landscape strip (between 5 and 10 metres wide) would be provided between the site and the rear gardens of dwellings on Taylor Road.

2.5 The proposed occupier is Drywall Steel Sections Limited. They intend to occupy both units and are manufacturers of cold rolled steel products for the construction industry.

### **3. Planning History**

3.1 Adjacent site - 08/01195/FUL. Erection of single storey development to create a driving test centre. Granted 12.03.2009.

### **4. Constraints**

4.1 Landfill Gas  
Coal Mining Area

### **5. Relevant Policies**

5.1 National Planning Policy Framework

5.2 Black Country Core Strategy

CSP4 Place Making

CSP5 Transport Strategy

DEL1 Infrastructure Provision

TRAN2 Managing Transport Impacts of New Development

ENV2 Historic Character and Local Distinctiveness

ENV3 Design Quality

ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island

ENV7 Renewable Energy

ENV8 Air Quality

WM1 Sustainable Waste and Resource Management

WM5 Resource Management and New Development

EMP5 Improving Access to the Labour Market

5.3 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

D13 Sustainable Development Natural Energy

EP1 Pollution Control

EP3 Air Pollution

EP5 Noise Pollution

EP8 Water Supply Arrangements for Development

EP9 Sustainable Drainage Arrangements for Dev

EP11 Development on Contaminated Unstable Land

- B5 Design Standards for Employment Sites
- N1 Promotion of Nature Conservation
- R3 Protection of Open Space, Sport and Recreation Facilities
- R5 Sports Grounds
- 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 application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

## **7. Publicity**

- 7.1 No response.

## **8. Internal Consultations**

- 8.1 **Transportation** – No objection subject to a condition requiring cycle and motor cycle storage.
- 8.2 **Environmental Services** - No objection subject to conditions requiring contaminated land remediation and acoustic attenuation measures.

## **9. External Consultees**

- 9.1 **Sport England** – Object as no detail has been provided about what, where and how replacement sports provision is to be delivered.
- 9.2 **Coal Authority** – No objection subject to a condition requiring further investigations of the site for mine shafts and the application of a scheme for remediation.

## **10. Legal Implications**

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications KR/11052012/G.

## **11. Appraisal**

### 11.1 Key issues:

- The principle of the proposed uses (including loss of sports pitch)
- Design
- Access and parking
- Residential amenity
- Renewable energy and waste management

#### The Principle of the Proposed Uses

11.2 The BCCS Proposals Map identifies the site as located in a protected local quality employment area and so the proposed employment uses would be acceptable.

11.3 The site is currently occupied by part of a former cricket pitch. Therefore, in accordance with UDP policies R3 and R5, a payment of £137,838 (BCIS indexed) for the loss of this area of sports pitches is required. Sport England has requested details of what, where and how replacement sports provision is to be delivered and Leisure Services have been asked to clarify this.

#### Design

11.4 The proposed design is acceptable and in accordance with UDP policies D5, D7, D8, D9, H6 and BCCS policies CSP4 and ENV3.

#### Access and parking

11.5 The access and parking proposals are acceptable and in accordance with UDP policies AM12, AM15 and BCCS policy TRAN2.

#### Residential Amenity

11.6 Subject to conditions as recommended by Environmental Services, the development would not have an unacceptable impact on residential amenity and would be in accordance with UDP policies EP1, EP5 and BCCS policy ENV8.

#### Renewable Energy and Waste

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

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

## **12. Conclusion**

12.1 Subject to a compensatory payment for the loss of the sports pitch the expenditure of which is to be identified by Leisure Services, and conditions as recommended the proposed development would be acceptable and in accordance with the Development Plan.

### **13. Recommendation**

13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00364/FUL subject to:

1. The signing of a S106 Agreement to require a compensatory payment of £137,838 (BCIS indexed) for the loss of sports.
2. Any necessary conditions to include:
  - Refuse storage
  - Cycle / motorcycle storage and facilities for cyclists
  - Implementation of a landscaping scheme
  - Tree protection
  - No external lighting without prior approval
  - Drainage, including measures to keep water off the highway
  - Coal Mining – Investigation and remediation
  - Site waste management plan
  - 10% renewable energy generation
  - Boundary treatments
  - External materials
  - Noise attenuation
  - Contaminated land remediation
  - Car park, delivery and servicing plan
  - No external plant, vents etc without written approval.
  - Restriction to prevent future changes of use to B1(a) offices

**Case Officer : Mr Phillip Walker**

**Telephone No : 01902 555632**

**Head of Planning – Stephen Alexander**



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**Planning Application No: 12/00364/FUL**

Location	Former Sports Ground Adjacent To Sunnyside, Taylor Road, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 393011 296204
Plan Printed	11.05.2012	Application Site Area	10567m <sup>2</sup>



## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00477/REM                      **WARD:** Bushbury North

**RECEIVED:** 30.04.2012

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

**SITE:** I54 (Strategic Employment Site). Land Bounded By The Staffordshire And Worcestershire Canal, Lawn Lane, M54 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 (0600 hours to 2200 hours Monday to Saturday and 0700 hours to 1900 hours on Sundays and Bank Holidays) for a temporary period from May 2012 until 31st August 2012 to facilitate the early development of the Major Investment Site.

**APPLICANT:**  
Mr Andy Mason  
Staffordshire County Council  
1 Staffordshire Place  
Stafford  
Staffordshire  
ST16 2DH

**AGENT:**  
Mr Keith Webster  
Ancer Spa (Midlands) Ltd  
4 Royal Oak Business Centre  
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. A narrow strip of land along the northern side of Wobaston Road is in Wolverhampton.
- 1.2 Land reclamation works have been carried out and access into the site has been constructed off Wobaston Road. Internal estate roads have also 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:
  - Monday to Saturdays from 0600 to 2200 hours (one extra hour in the morning and three extra hours in the evening on weekdays and an extra

two hours in the morning and an extra nine hours in the afternoon/evening on Saturdays)

- Sundays and Public Holidays between 0700 to 1900 hours.

2.3 The additional hours are required for a temporary period (from May 2012 until 31<sup>st</sup> August 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 12/00253/VV - 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. Granted. 3<sup>rd</sup> April 2012.

3.2 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 14<sup>th</sup> December 2011.

3.3 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 31<sup>st</sup> March 2010.

3.4 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 28<sup>th</sup> March 2007.

3.5 05/2026/FP – Site preparation works comprising ground remediation, excavation to create development plots, provision of infrastructure and landscaping - Granted 5 July 2006.

### **4. Relevant Policies**

4.1 National Planning Policy Framework

4.2 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

- 4.3 South Staffordshire Local Plan (1996)
  - E1 Premium Sites
  - GB4 Long Term Development Needs
  - GB5 Land Safeguarded Under Policy GB4

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

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

- 5.1 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.
- 5.2 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.

## **6. Neighbour Notification and Publicity**

- 6.1 No representations received.

## **7. Internal Consultees**

- 7.1 Environmental Services and Transportation – No objections.

## **8. Legal Implications**

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 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". The planning authority when dealing with an application under S73 must only consider the question of the condition(s). If the proposed amended condition(s) are acceptable, permission should be granted with the new condition(s), any condition(s) on the original

permission which remain relevant and any other condition(s) required that would make the proposal acceptable (provided that the condition(s) 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). The 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. Legal Implications Reference LM/04052012/Y

## **9. Appraisal**

9.1 The key issue is the impact on residential amenity.

9.2 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.

9.3 Allowing machinery to be operated for the extra hours as specified, for a temporary period from May 2012 until 31<sup>st</sup> August 2012 would not result in undue disturbance to neighbours, because the site preparation works are principally taking place on plot B in the northern part of the i54 site, 700 metres from the nearest dwellings.

## **10. Conclusion**

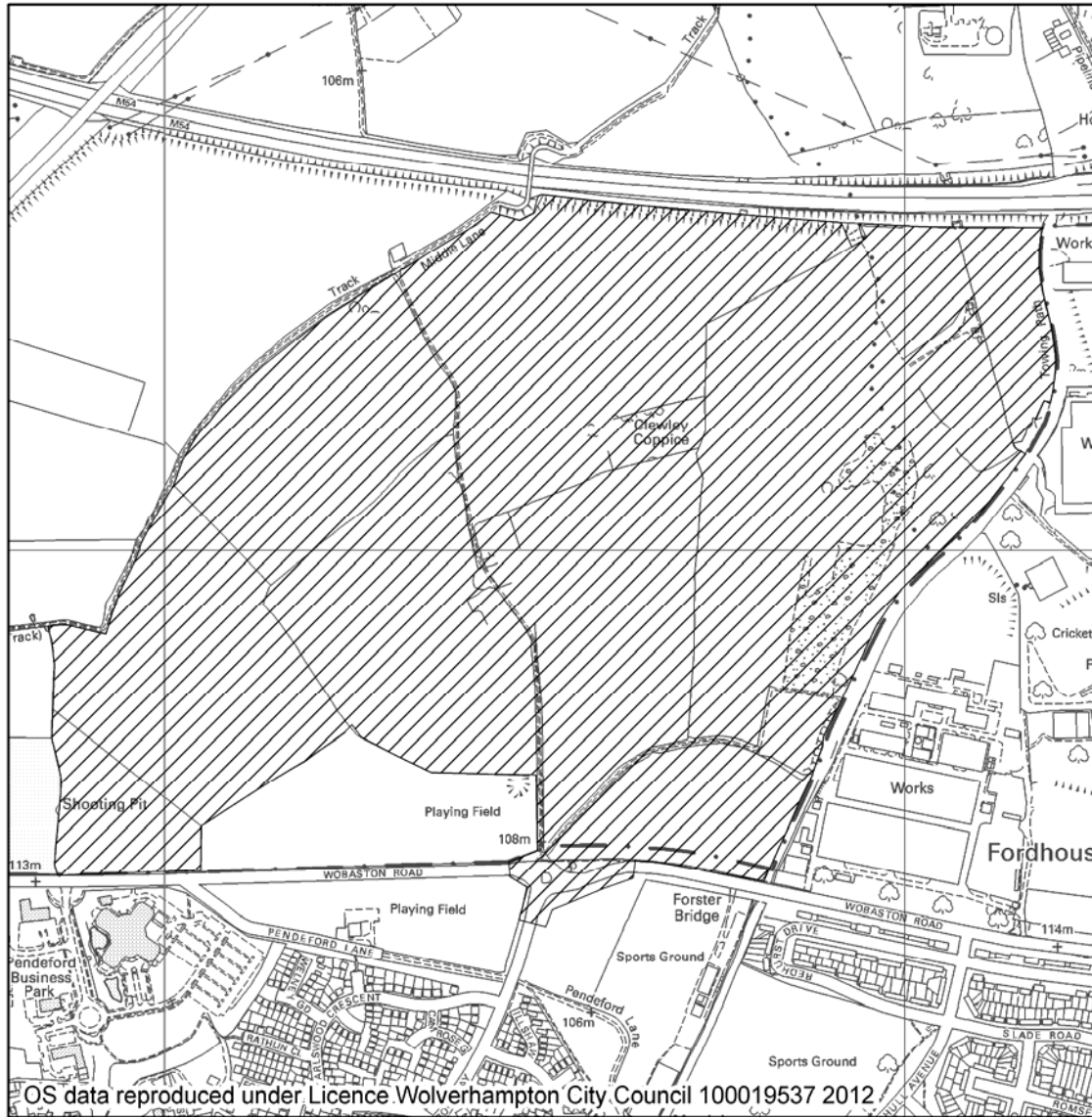
10.1 The proposals would not be detrimental to residential amenity and are in accordance with BCCS policy CSP4 and UDP policies EP1 and EP5.

## **11. Recommendation**

11.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00477/REM subject to:

- (i) No overriding objections from neighbours
- (ii) Deed of variation to existing S106 to tie in the new permission
- (iii) Variation of conditions 6 to allow extended hours (as specified) for operation of machinery from May 2012 until 31<sup>st</sup> August 2012, within plots A and B.
- (iv) 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: 12/00477/REM**

Location	I54 (Strategic Employment Site). Land Bounded By The Staffordshire And Worcestershire Canal, Lawn Lane, M54 And Wobaston Road, Wolverhampton.		
Plan Scale (approx)	1:10000	National Grid Reference	SJ 390819 303552
Plan Printed	10.05.2012	Application Site Area	857478m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00205/FUL

**WARD:** Ettingshall

**RECEIVED:** 26.02.2012

**APP TYPE:** Full Application

**SITE:** Land Between Crown House And Barnshaws Depot Millfields Road,  
Wolverhampton, WV4 6JE

**PROPOSAL:** Rebuild of existing warehouse due to fire damage

**APPLICANT:**

Mr James Phillips  
Residual Brand Management Ltd  
8 Trafalgar Business Centre  
77-89 River Road  
Barking  
Essex  
IG11 0JU

**AGENT:**

Mr Simon Wells  
Luxury Property Developments LLP  
6 Butlers Way  
Great Yeldham  
Halstead  
Essex  
CO9 4QL

### COMMITTEE REPORT:

#### **1. Description**

- 1.1 The site is located approximately one kilometre west of Bilston Town Centre, within an industrial area. It fronts onto Millfields Road and backs onto the Birmingham canal. On the opposite side of the canal is the Ward Street housing site being developed by Persimmon Homes.
- 1.2 Earlier this year a fire severely damaged the warehouse which occupied the site. For health and safety reasons the building has been demolished.

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

- 2.1 The application proposes a new replacement warehouse, with a floor area of 3,612sqm, providing an increase of 367sqm more floor area than the demolished building. It would have a length of 114m, a width varying between 20m and 44m and a height of 9.4m.
- 2.3 The proposal includes parking for 20 cars. The loading bays, with a turning area for lorries would be at the rear.

#### **3. Constraints**

Sites and Monuments Entry  
Authorised Processes  
Road Improvement Line  
Mining Referral area

#### **4. Relevant Policies**

##### **4.1 National Planning Policy Framework**

###### **The Development Plan**

##### **4.2 Wolverhampton's Unitary Development Plan**

- D4 Urban Grain
- D7 Scale - Height
- D8 Scale - Massing
- D9 Appearance
- B5 Design Standards for Employment Sites
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security
- EP5 Noise Pollution

##### **4.3 Black Country Core Strategy**

- CSP4 Place Making
- EMP1 Providing for Economic Growth and Jobs
- EMP3 Local Quality Employment Areas
- ENV3 Design Quality
- ENV7 Renewable Energy
- WM1 Sustainable Waste and Resource management
- WM5 Resource Management and New Deal 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. (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 **Environmental Services** – No objection, subject to condition controlling operational hours/commercial vehicle movements and emissions that may occur from process in the premises.

7.2 **Transportation Development** – Disabled parking & cycle parking required.

## 8. External Consultees

8.1 **The Coal Authority** – comments awaited

8.2 **British Waterways** – No objection, subject to conditions requiring details of waste storage and collection, proposed ground and floor levels, surface water drainage.

## 9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/10052012/A

## 10. Appraisal

10.1 The key issues are:-

- Principle of Development
- Design
- Access
- Residential amenity
- Waste management and renewable energy

### Principle of Development

10.2 The Black Country Core Strategy envisages and supports the growth and diversification of the economy.

10.3 The rebuild of the warehouse would allow the operation of the business to continue and would have a positive economic impact in the area.

### Design

10.4 The proposed warehouse would have a simple utilitarian appearance, in keeping with this part of Millfields Road and the scale would also be appropriate. The design is therefore acceptable and in accordance with UDP policies D4, D7, D8, D9, B5 and BCCS policies CSP4 and ENV3

### Access

10.5 There are no proposals to either move or alter the existing access arrangements.

### Residential amenity

10.6 Subject to the imposition of conditions as recommended by Environmental Services, the proposed development would not have a detrimental impact on the amenity of residents of the new housing development to the north and would be in accordance with UDP policies D7, D8 and EP5.

### Waste Management and Renewable Energy

10.7 BCCS policies WM1 and WM5 require the submission of details of what materials resources will be used in major developments and how and where the waste generated will be managed. This can be required by condition



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

## **11. Conclusion**

11.1 Subject to the imposition of conditions as recommended the development is acceptable and in accordance with the development plan.

## **12. Recommendation**

13.1 That the Interim Director for Education and Enterprise to be given delegated authority to grant planning application 12/00205/FUL subject to no overriding objection from the Coal Authority and conditions to include:

- Waste management plan
- Ground and floor levels
- Drainage
- Sound insulation for plant/machinery
- No outside mechanical handling except 08:00hrs -18:00 hrs Mon-Fri & 08:00hrs -13;00hrs Saturdays
- Commercial vehicle movements & loading/unloading restricted to 08:00hrs -18:00hrs Mon-Fri & 08:00hrs – 13;00hrs Saturdays
- No outside lighting except in accordance with details to be approved
- No outside public address systems
- Vehicle reversing alarms restricted to 5dB(A) above ambient noise
- Covered cycle parking to be provided
- Disable parking to be provided
- 10% on-site renewable energy generation

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



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**Planning Application No: 12/00205/FUL**

Location	Land Between Crown House And Barnshaws Depot Millfields Road, Wolverhampton, WV4 6JE		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393381 296493
Plan Printed	10.05.2012	Application Site Area	6106m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 11/00545/FUL

**WARD:** St Peters

**RECEIVED:** 02.06.2011

**APP TYPE:** Full Application

**SITE:** Former Farndale Junior School, Gatis Street, Wolverhampton,

**PROPOSAL:** Residential development comprising conversion of existing school building to create 12 apartments, erection of 18 houses and three storey building containing 15 flats.

**APPLICANT:**

Mr Abdul Rauf Razzak  
Ikon Estates Ltd  
Unit 2  
19-23 Green Lane  
Birdsley Green  
Birmingham  
B9 5BU

**AGENT:**

Jacob Sedgemore  
Stoneleigh Architectural Services  
Compton Wharf Bridgnorth Road  
Compton  
Wolverhampton  
WV6 8AA

### COMMITTEE REPORT:

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

- 1.1 The site of the former Farndale Junior School is located approximately 1.5 km north-west of the city centre. Its area is approximately 0.75 hectares and it is accessed from Gatis Street.. The main school building is late Victorian, two storeys tall and constructed in red brick.
- 1.2 The site is bounded by Gatis Street to the east and playing fields to the north. To the west is an electricity substation which fronts onto Hordern Road. To the south is housing. There is a day care nursery to the west of the school building, close to the entrance on Gatis Street, which accommodates an adventure play club with outdoor play equipment. A footway runs along the eastern edge of the site to access the playing fields and housing from Gatis Street.

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

- 2.1 The proposal is for the construction of 18 houses and 15 new flats and the conversion of the existing school building to create 12 flats. Three houses would be accessed directly from Gatis Street whilst the remainder would be accessed from a new cul-de-sac.
- 2.2 The application proposes to use some of the site to widen the existing playing field access. This enhancement is proposed instead of making a financial contribution towards the provision and/or enhancement of open space and play facilities.

### **3. Planning History**

- 3.1 06/01574/FUL conversion of existing building to 10 flats, erection of 16 houses and a 3 storey block of 12 flats. Granted on the 19th October 2007. Not implemented.

### **4. Relevant Policies**

- 4.1 National Planning Policy Framework

4.2 Black Country Core Strategy

- CSP4 Place-Making
- EMP5 Improving Access to the Labour Market
- TRAN2 Managing Transport Impacts of New Development
- TRAN4 Creating Coherent Networks for Cycling and for Walking
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7 Renewable Energy
- ENV8 Air Quality
- WM1 Sustainable Waste and Resource Management
- WM5 Resource Management and New Development

4.3 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
- D14 The Provision of Public Art
- 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
- R4 Development Adjacent to Open Spaces
- H4 Housing Allocations
- H6 Design of Housing Development
- H8 Open Space, Sport and Recreation Requirements for New Housing Developments
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

- 4.4 Former Farndale School – Development Brief

## **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 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** – See appraisal.
- 7.2 **Environmental Services** – No objections. Hours of construction should be restricted. A site investigation is required.
- 7.3 **Leisure** – A contribution to compensate for loss of playing field is required. It would be acceptable to forego the open space and play contribution in return for the improved playing field access.

## **8. External Consultees**

- 8.1 **Severn Trent** – No objection subject to submission of drainage details.
- 8.2 **Environment Agency** – No objection subject to submission of land contamination details.
- 8.3 **Fire Authority** – No objection.
- 8.4 **Sport England** – No objection subject to compensation for the loss of former playing fields.

## **9. Legal Implications**

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 It should be noted that the publication of the National Planning Policy Framework on the 27 March 2012 further supports planning authorities in going forward with flexible approaches to S106 Planning Obligations. In addition to the tests contained in Regulation 122 of the Community Infrastructure Regulations 2010 it also provides that " where obligations are

being sought or revised, local planning authorities should take into account changes in market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled".  
[LM/11052012/F]

## 10. Appraisal

10.1 The key issues are:

- Principle of residential development
- Layout
- Scale & appearance
- Access
- Planning obligations (S106)

### Principle of Residential Development

10.2 The site is allocated for housing in the Development Plan. A Development Brief for the site was adopted in 2006. This also confirmed that the site was suitable for residential development, on the basis that compensation is received for the loss of the former school playing fields.

### Layout, Scale & Appearance

10.3 The development brief establishes design principles for the site. The proposed layout, height and materials are in accordance with the brief, are acceptable and accord with UDP policies D4, D5, D6, D7, D8, D10 and H6.

### Access

10.4 There are some relatively minor issues regarding visibility which the applicants have been asked to resolve. In addition, it is necessary to carry out some highway works and close part of the existing highway at the access from Gatis Street.

### Planning Obligations

10.5 In accordance with adopted planning policy and the development brief the following are required:

- 25% affordable housing
- Compensation for the loss of school playing fields (in the form of enhanced access)
- Contribution of £227,975 (BCIS indexed) for the provision/enhancement of public open space
- Highway works/closure
- Targeted recruitment and training,
- 10% renewable energy
- public art (1% of construction costs)

10.6 The applicants are seeking a reduction in the S106 obligations on the grounds of a lack of financial viability.

10.7 On the 11th of November 2009 and 23<sup>rd</sup> March 2011 Cabinet endorsed a flexible and proactive approach to planning obligations, in response to the economic downturn.

- 10.8 The applicants have submitted a financial viability appraisal (FVA) which has been considered independently by the District Valuer (DV). The DV assesses viability taking account of estimated current land value. Advice from the Homes and Communities Agency (HCA) is that this is the correct methodology.
- 10.9 However, the applicants point out that that they paid very much more for the land when they bought it from the Council in 2006 than it is now worth. They state that the proposed development would only produce a profit of 3.5% taking account of the price that they paid for the land and that this is insufficient incentive for them to develop (a 'normal' level of profit would be 15-20%). They ask that the historic purchase price is taken into account by the planning authority when deciding whether to reduce/waive S106 requirements, so that they can realise a reasonable profit and carry out the development.
- 10.10 While the HCA advice is that viability should be assessed on the basis of current land value, they do suggest that where a high historic purchase price is inhibiting development the local planning authority can take this into account when deciding S106 contributions, in the interests of encouraging development. This view has been endorsed by a small number of Planning Inspectors.
- 10.11 In this case the price paid for the land was not unreasonable. In order to encourage the applicant to develop the site it is recommended that the purchase price is taken into account when considering the following S106 contributions:
- 25% affordable housing
  - Financial contribution for provision/enhancement of public open space
  - 10% renewable energy
  - Public art
- 10.12 Subject to further consideration of the amount of any reduction, it is recommended that the reduction applies on a pro-rata basis to all dwellings that are ready for occupation within 3 years of the date of this Committee, with the full amount applying on a pro-rata basis to all those that are not.

## **11. Conclusion**

- 11.1 The development is acceptable in principle and in detail, and accords with the development plan, subject to minor changes to visibility and conditions and a S106 agreement as recommended.

## **12. Recommendation**

- 12.1 That the Interim Director for Education and Enterprise to be given delegated authority to grant planning application 11/00545/FUL, subject to:
- (i) Amendments to visibility
  - (ii) Signing of a S106 to secure;  
For the whole development:
    - Access improvements to playing fields (to compensate for loss of playing fields)

- Highway works/closure
- Targeted training and recruitment

For the following, reduced contributions subject to financial viability, taking account of historic purchase price, on a pro-rata basis for each dwelling ready for occupation within 3 years from the date of this Committee and with the full requirement applying to all those which are not:

- Affordable housing
- Financial contribution for provision/enhancement of public open space (BCIS indexed)
- 10% renewable energy
- Public art

(ii) Any necessary conditions to include:

- Materials
- Landscaping implementation
- Boundary treatment
- Measures to mitigate impact of construction on local residents
- Drainage
- Site investigation
- Site waste management plan
- Bin stores for the apartments
- Cycle and motorcycle parking facilities for the apartments
- Travel Plan

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





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**Planning Application No: 11/00545/FUL**

Location	Former Farndale Junior School, Gatis Street, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 390267 299940
Plan Printed	10.05.2012	Application Site Area	7558m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00324/FUL

**WARD:**

Tettenhall Wightwick

**RECEIVED:** 16.03.2012

**APP TYPE:** Full Application

**SITE:** Smestow School, Windmill Crescent, Wolverhampton

**PROPOSAL:** Extension to provide new teaching block, entrance, administration area, link to existing school buildings, new sports hall and associated facilities and new parking areas.

**APPLICANT:**  
Inspired Spaces Wolverhampton Ltd.  
C/o Agent

**AGENT:**  
Graham Parkes  
Tweedale Ltd.  
265 Tettenhall Road  
Wolverhampton  
WV6 0DE

### COMMITTEE REPORT:

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

- 1.1 This school site comprises 8.4 hectares and is located approximately 4.5km to the west of Wolverhampton City Centre. To the north the site adjoins the Staffordshire and Worcestershire Canal which is a conservation area. To the east is Smestow Brook and to the south is Castlecroft Primary school. To the east and north-west is Smestow Valley Nature Reserve.
- 1.2 The existing school buildings are situated on the south west of the site with playing fields to the north and south. The whole of the site is located in the Green Belt.
- 1.3 The application site is accessed off Windmill Crescent by two existing vehicular accesses.

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

- 2.1 The proposed extensions have a floor area of 1575 square metres. The sports hall would be sited to the south-east of the existing group of school buildings and two storey main entrance lobby and science block to the front of the existing school.
- 2.2 The proposed extensions have a floor area of 1575 square metres. The sports hall would be sited to the south-east of the existing group of school buildings and because of a change in levels the proposed height would be 4.35m lower than the highest point of the existing school library building.
- 2.3 The new entrance lobby and science block would be two storeys in height fronting Windmill Crescent.

- 2.4 A new car park with 23 parking spaces is proposed behind the main school building. In addition, six new parking spaces are proposed adjacent to Windmill Lane. This would provide a total of 96 parking spaces including 7 disabled spaces.
- 2.5 The application is submitted as part of the Building Schools for the Future (BSF) initiative, which is a government scheme providing funding to rebuild and refurbish schools in England over a 10-15 year period.

### **3. Planning History**

- 3.1 09/00798/DWO for Outline permission with all matters reserved. Part demolition of existing school building and construction of new floor space. Remodelling and refurbishment of existing school. Demolition of caretakers house and extension to car park. All-weather playing pitch and multi-use games area. Granted 24.05.2010

### **4. Constraints**

Smestow Valley Local Nature Reserve (SINC)  
 Green Belt  
 Mineral Safeguarding Area  
 Landfill Gas Zone

### **5. Relevant Policies**

- 5.1 National Planning Policy Framework (NPPF) (2012)

#### The Development Plan

- 5.2 Black Country Core Strategy (BCCS) (2011)

HOU5 Education and Health Care Facilities  
 ENV1 Nature Conservation  
 ENV3 Design Quality  
 ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island  
 ENV7 Renewable Energy  
 TRAN2 Managing Transport Impacts of New Development  
 TRAN4 Creating Coherent Networks for Cycling and for Walking  
 WM5 Resource Management and New Development

- 5.3 Wolverhampton's Unitary Development Plan (UDP) (2006)

C1 Health, Education and other Community Services  
 D3 Urban Structure  
 D Urban Grain  
 D5 Public Realm  
 D6 Townscape and Landscape  
 D7 Scale - Height  
 D8 Scale - Massing

D9	Appearance
EP1	Pollution Control
EP5	Noise Pollution
EP9	Sustainable Drainage Arrangements for Development
N7	The Urban Forest
N9	Protection of Wildlife Species
G2	Control of Development in the Green Belt
G4	Major Developed Sites in the Green Belt
AM12	Parking and Servicing Provision
AM14	Minimising the Effect of Traffic on Communities
AM15	Road Safety and Personal Security

## **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 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 of objection has been received from a local resident who is concerned about insufficient parking and traffic during construction.

## **8. Internal Consultees**

- 8.1 **Environmental Services** – No objection subject to conditions regarding contaminated land, construction method statement, hours of construction, lighting and control of vibration for all plant and machinery.
- 8.2 **Landscape & Ecology** – A Phase One Habitat Survey has been submitted which recommends great crested newt and bat surveys to be undertaken. Planning permission must not be granted until these surveys have been received and any issues considered. A detailed landscape scheme will be required by condition.
- 8.3 **Transportation Development** – No objections subject to minor amendments to vehicle circulation. TRO required to prevent parking in bus drop-off point. This can be conditioned.
- 8.4 **Archaeology** – No objection subject to a condition requiring a scheme of archaeological works ahead of and possibly during construction.

## **9. External Consultees**

9.1 **Environment Agency** – awaiting response

9.2 **Severn Trent Water Ltd** – no objection

9.3 **Sport England** – further clarification required in respect of use of the hall (what sports etc) and how the design responds to this. A formal response will follow receipt of clarification.

## **10. Legal Implications**

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

### Conservation of Species Protected by Law

10.2 The Council is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”) and 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)(“the Habitats Directive”) in the exercise of its functions so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. The Council should give due weight to the presence of protected species on a development site and to reflect these requirements in reaching planning decisions. Regulation 40 and Schedule 2 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species. In addition they are also protected under part 1 of the Wildlife and Countryside Act 1981.

10.3 Paragraph 99 of Circular 06/2005 ‘Biodiversity and Geological Conservation - Statutory Obligation’ and the Impact Within The Planning System should be noted. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted. Otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances. [KR/10052012/P]

## **11. Appraisal**

11.1 The key issues are: -

- Principle of Development
- Green Belt
- Parking and Access
- Ecology
- Design Quality

### Principle of Development

- 11.2 In principle the development accords with UDP Policy C1 'Health, Education and other Community Services' which seeks to meet existing and future needs for community provision and BCCS policy HOU5 'Education and Health Care Facilities' which seeks to protect and enhance existing educational facilities.

### Green Belt

- 11.3 The site is within the Green Belt. The recently published National Planning Policy Framework states that new buildings are still considered inappropriate development in the Green Belt but one exception is for '*the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building*'.
- 11.4 The proposal would result in additions which would be less than 20% above the original developed area and so would not be disproportionate. Therefore the extensions would not be inappropriate development in the Green Belt.
- 11.5 The NPPF does not advise regarding the appropriateness of development in the Green Belt other than "buildings". The proposed new parking area of six spaces on the frontage would have minimal impact on the openness of the Green Belt, as it is positioned on the built up side of the site rather than impinging into the 'green spaces'. Therefore, it is not considered inappropriate development.
- 11.6 The development as a whole is appropriate development in the Green Belt and accords with the NPPF and saved UDP policy G2.

### Parking and Access

- 11.7 Proposed parking provision is acceptable. Subject to amendments to the vehicle circulation route and a condition requiring a TRO to prevent parking in the bus drop-off area, the proposal would be acceptable and in accordance with UDP policies AM12, AM14 and AM15.

### Ecology

- 11.8 Great crested newt and bat surveys are required prior to the grant of permission. Subject to the receipt of satisfactory surveys, the development would be in accordance with BCCS policy ENV1 and UDP policy N9.

### Design Quality

- 11.9 The design is acceptable and in accordance with BCCS policy ENV3 and UDP policies D4, D6, D7, D8 and D9.

## **12. Conclusion**

- 12.1 The development is acceptable in principle and in Green Belt terms and the design is acceptable. Subject to amendments to the vehicular circulation route, no overriding objection from Sport England or the Environment Agency, and the submission of acceptable ecological surveys, the proposed development is acceptable and in accordance with the development plan.

### **13. Recommendation**

13. That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00324/FUL subject to:-

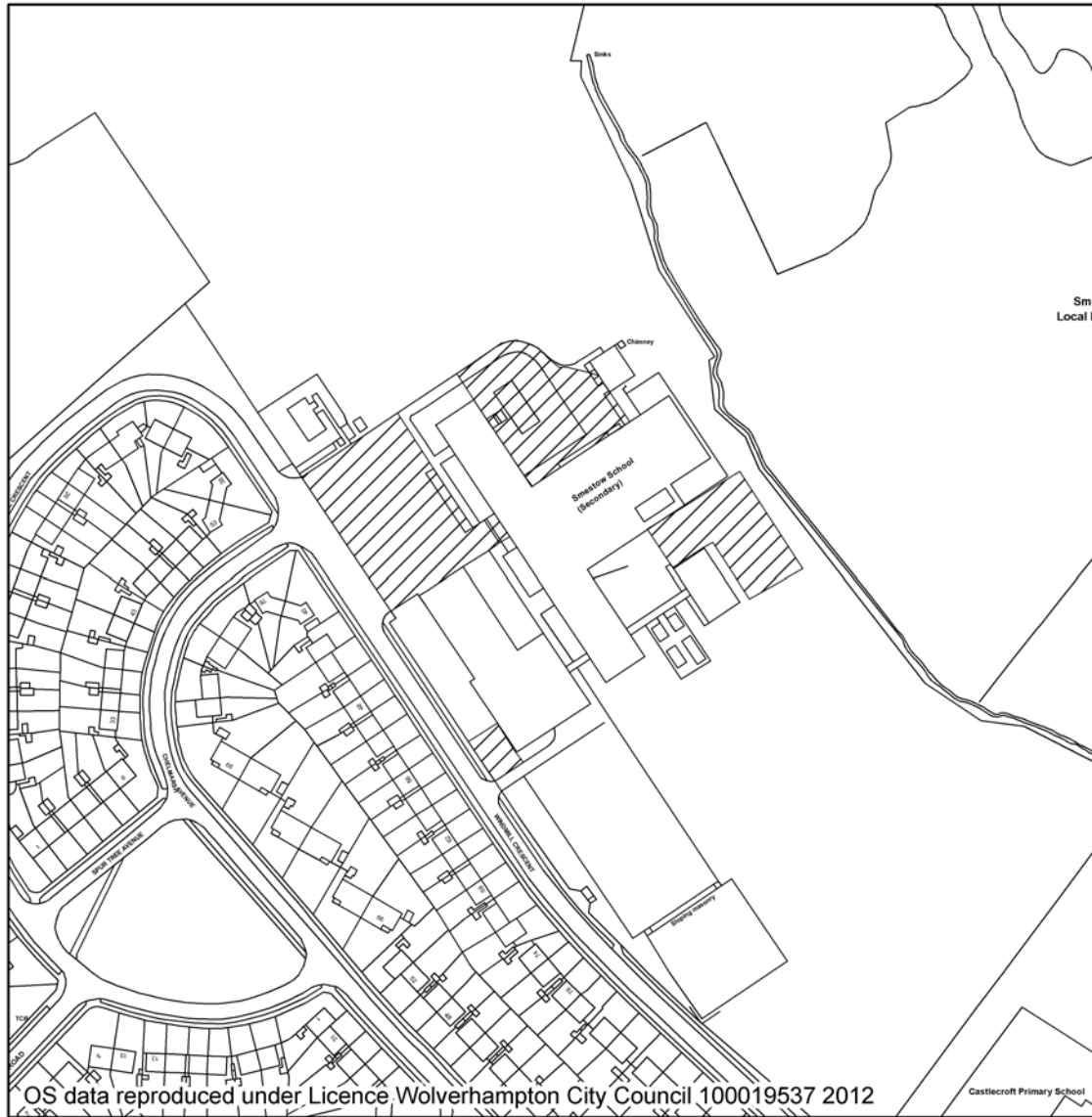
- (i) No overriding objection from Sport England or Environment Agency
- (ii) The receipt of satisfactory great crested newt and bat surveys
- (iii) Amendments to vehicular circulation
- (iv) Any relevant conditions to include:-

- Materials
- Archaeology
- Land contamination
- Construction management plan (including hours of construction)
- Traffic Regulation Order (bus drop-off)
- 10% Renewable Energy
- Waste materials
- Public art
- Landscaping
- Implement ecological recommendations
- Scheme for control of noise/vibration for plant and machinery
- Tree protection measures
- Drainage
- Lighting

**Case Officer : Ms Jenny Davies**

**Telephone No : 01902 555608**

**Head of Planning – Stephen Alexander**



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**Planning Application No: 12/00324/FUL**

Location	Smestow School, Windmill Crescent, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 387561 298165
Plan Printed	10.05.2012	Application Site Area	4997m <sup>2</sup>



## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00337/VV **WARD:** Oxley

**RECEIVED:** 21.03.2012

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

**SITE:** Oxley Lodge Residential Care Home, 453 Stafford Road,  
Wolverhampton

**PROPOSAL:** Section 73 - Variation of Condition 2 (to insert new windows and amend the fenestration) of planning application 10/01171/FUL for a two storey detached annexe to existing care home.

**APPLICANT:**  
Malcolm Aplin  
Aplin Care Homes  
453 Stafford Road  
Oxley  
Wolverhampton  
WV10 6RR

**AGENT:**  
Nick Massey  
5 Kingsbury Close  
Walsall  
WS4 2HL

### COMMITTEE REPORT:

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

- 1.1 The previously approved development comprises a two storey detached annex to the existing care home which is under construction.

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

- 2.1 The application proposes a minor material amendment to the external elevations of the new annex building previously approved comprising:-

*North elevation:* - some windows are larger, one window is removed and the two storey forward projecting bays are rendered in appearance

*South elevation:* - new windows at first floor, rendered finish to bay and pitch roof replaced by a flat roof.

*East elevation:* - rendered finish to projecting two storey bays

*West elevation:* - two new first floor windows and larger first floor windows.

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

- 3.1 10/01171/FUL for Erection of two storey detached annexe to existing care home. Granted 20.06.2011
- 3.2 12/00288/FUL two storey extensions to front and rear of existing care home with link to annex building, Granted 16.04.2012.

#### **4. Relevant Policies**

##### 4.1 National Planning Policy Framework

###### The Development Plan

##### 4.2 Black Country Core Strategy

TRAN2 Managing Transport Impacts of New Development

ENV3 Design Quality

ENV5 Sustainable Drainage Systems and Urban Heat Island

##### 4.3 Wolverhampton's Unitary Development Plan

AM12 Parking and service provision

C1 Health, Education and other community services

D4 Urban Grain

D5 Public Realm Public Open Private Space

D6 Townscape and landscape

D7 Scale - Height

D8 Scale - Massing

D9 Appearance

EP9 Sustainable Drainage

N7 The Urban Forest

H12 Residential Care Homes

#### **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 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. Legal Implications**

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

7.2 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 condition(s) 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 condition(s) required that would make the proposals acceptable. The new permission would be an alternative to the original, which would remain extant. [LM/04052012/Q]

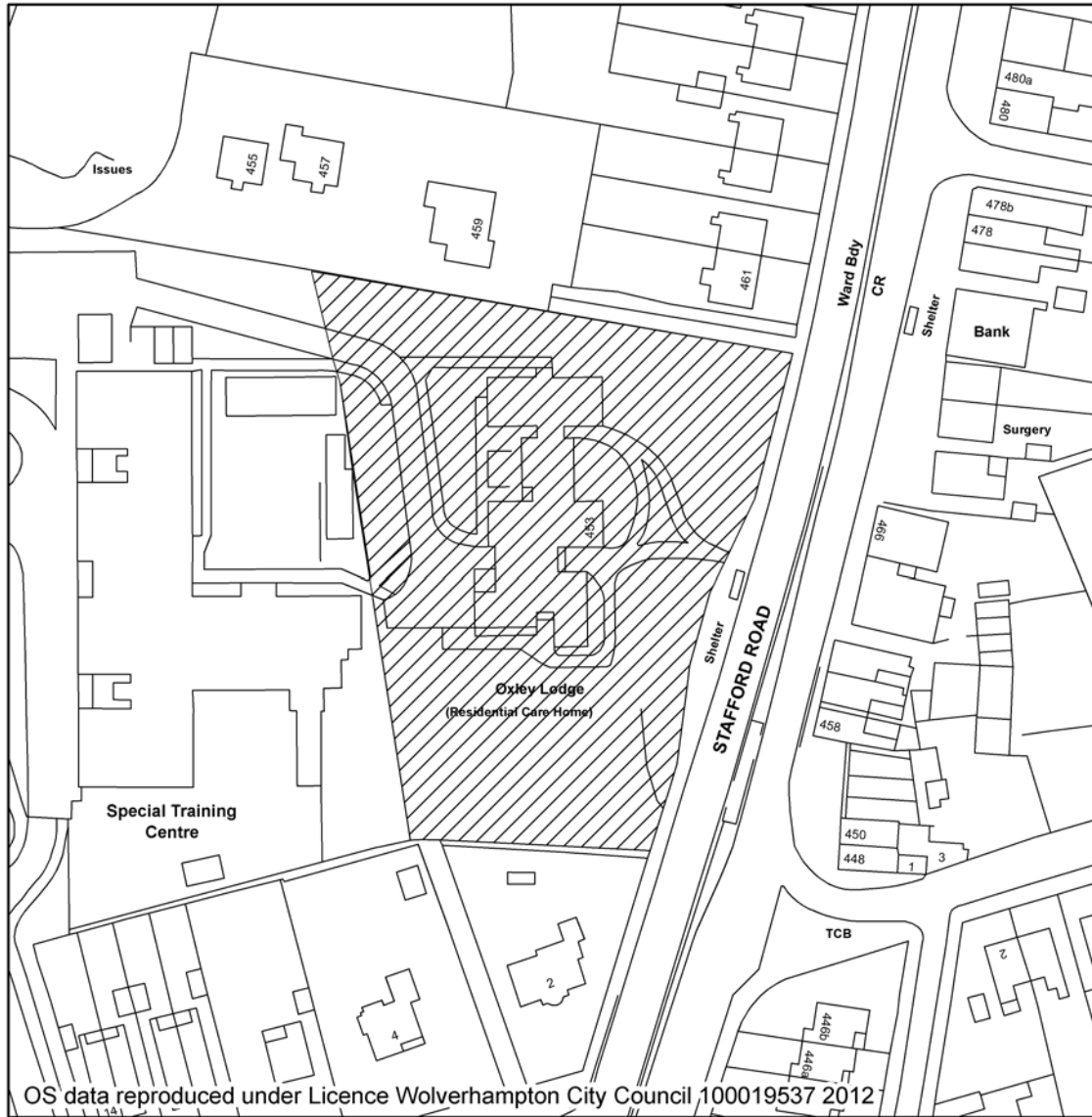
## **8 Appraisal and Conclusion**

- 8.1 The key issue is the impact of the proposed changes on visual and residential amenity.
- 8.2 The changes to the external appearance are minor but cumulatively would have a material but not unacceptable visual impact.
- 8.3 The insertion of two windows in the south facing elevation would overlook 2 Oxley Moor Road. However that property is located a sufficient distance from the south elevation not to be overlooked.
- 8.4 The proposed changes are acceptable and in accordance with UDP policies D8, D9 and H12.

## **9 Recommendation**

- 9.1 That planning application 12/00337/VV be granted subject to any relevant conditions from the original permission.

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



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**Planning Application No: 12/00337/VV**

Location	Oxley Lodge Residential Care Home, 453 Stafford Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391219 302275
Plan Printed	10.05.2012	Application Site Area	5384m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00349/FUL

**WARD:** Park

**RECEIVED:** 23.03.2012

**APP TYPE:** Full Application

**SITE:** Wolverhampton Girls High School, Tettenhall Road, Wolverhampton

**PROPOSAL:** Proposed demolition of existing teaching block and erection of new linked two storey teaching and administration block with associated facilities; rationalisation of existing and provision of new car parking facilities; provision of emergency vehicle access, hard and soft landscaping works and felling of trees.

**APPLICANT:**  
Inspired Spaces Wolverhampton Ltd  
C/o Agent

**AGENT:**  
Mr Graham Parkes  
Tweedale Limited  
265 Tettenhall Road  
Wolverhampton  
WV6 0DE

### COMMITTEE REPORT:

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

- 1.1 The Wolverhampton Girls High School lies approximately 2km north-west of the City centre is accessed via St Jude's Road West
- 1.2 The main school buildings are located in the north-western corner of the school complex with the school's playing fields and games areas to the south and east. The application site lies to the south-east of the main school buildings.
- 1.3 There are a number of trees in the vicinity, which are protected by a Tree Preservation Order.

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

- 2.1 The application is submitted as part of the Building Schools for the Future (BSF) initiative. It proposes a two storey extension to provide new teaching accommodation, reception area and lecture theatre, creation of new entrance plaza, the provision of additional parking areas, additional landscaping, and the realignment of an access for emergency vehicles. The extension would be in the form of two main blocks connected together and the main school building by link corridors. It would be two storeys high (10.5m) and provide 1,423sqm of new floor space. The building to be demolished is 163sqm therefore a total of 1,260sqm of new floor space will be provide at the School.
- 2.2 The proposal would result in the loss of a number of trees which are protected under a Tree Preservation Order (TPO) for their group value. Replacement trees are proposed. Some 270sqm (37%) of the footprint of the proposed building, and the visitor car park, will be located within the Green Belt.

### **3. Relevant Policies**

- 3.1 National Planning Policy Framework (NPPF) (2012)
- 3.2 Black Country Core Strategy (BCCS) (2011)
  - HOU5 Education and Health Care Facilities
  - ENV3 Design Quality
  - ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island
  - ENV7 Renewable Energy
  - TRAN2 Managing Transport Impacts of New Development
  - TRAN4 Creating Coherent Networks for Cycling and for Walking
  - WM5 Resource Management and New Development
- 3.3 Wolverhampton's Unitary Development Plan (UDP) (2006)
  - D3 Urban Structure
  - D4 Urban Grain
  - D5 Public Realm
  - D6 Townscape and Landscape
  - D7 Scale - Height
  - D8 Scale - Massing
  - D9 Appearance
  - EP1 Pollution Control
  - EP5 Noise Pollution
  - EP9 Sustainable Drainage Arrangements for Development
  - N7 The Urban Forest
  - N9 Protection of Wildlife Species
  - G2 Control of Development in the Green Belt
  - AM12 Parking and Servicing Provision
  - AM14 Minimising the Effect of Traffic on Communities
  - AM15 Road Safety and Personal Security

### **4. Environmental Impact Assessment Regulations**

- 4.1 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).
- 4.2 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.

### **5. Publicity**

- 5.1 One letter has been received from a local resident requesting that the daffodils within the application site be excavated and replanted elsewhere. This request has been forwarded to the agent.

## **6. Internal Consultees**

- 6.1 **Environmental Services** - No objection, subject to a condition controlling operational hours / commercial vehicle movements during construction.
- 6.2 **Landscape & Ecology** - No objection, subject to the recommendations within the Extended Phase 1 Habitat and Bat Survey report. A Great Crested Newt Survey and Emergence/re-entry survey for Bats will be required prior to the determination of the application.
- 6.3 **Transportation Development** - No objection, subject to a condition requiring the submission of an updated School Travel Plan within 18 months of the occupation of the development, and a condition requiring the submission of a construction management plan to include details of on site arrangements and access for construction vehicles.
- 6.4 **Tree Officers** - No objection, subject to conditions requiring the protection of the trees during construction and construction details of the emergency access.

## **7. External Consultees**

- 7.1 **Environment Agency** - No observations.
- 7.2 **Severn Trent Water Ltd** - No objection, subject to a condition requiring drainage details.

## **8. Legal Implications**

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

## **9. Appraisal**

- 9.1 The key issues are:-

- Principle of development;
- Green Belt
- Design
- Parking and access
- Trees and landscaping

### Principle of Development

- 9.2 In principle the extension and improvement of the school is acceptable and in accordance with UDP Policy C1 'Health, Education and other Community Services' and BCCS policy HOU5 'Education and Health Care Facilities'.

### Green Belt

- 9.3 The development will encroach slightly into the Green Belt. New buildings in the Green Belt are inappropriate, unless they fall within one of the exceptions listed in the NPPF. One exception is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The proposed extension would not be disproportionately large and would only result in a minor encroachment into the Green Belt. It would therefore not be inappropriate development and would be in accordance with policy G2 of the UDP and the NPPF.
- 9.4 The car park would be located entirely within the Green Belt and would affect its openness. However, the impact would be minimal and the facility is required as part of the development in order to improve highway and pedestrian safety within the site, and ensure the School is of a standard which meets current educational requirements. These are considered to be very special circumstances which outweigh any harm to the Green Belt. The proposal therefore accords with the NPPF.

### Design

- 9.5 The proposed extension is of a contemporary design, which relates well to the existing buildings in terms of its scale and finish. The design is acceptable and in accordance with policies D3, D6, D7, D8 and D9 of the UDP and policy ENV3 of the BCCS.

### Parking and Access

- 9.6 The number of pupils and staff numbers will not be increasing as a result of the proposed development. While the proposal would result in the creation of 1,260square metres of new floorspace, the school is currently 1,200sq.m. below the size required to satisfy basic needs.
- 9.7 There would be no increase in the number of vehicular movements to or from the site. Twelve parking spaces are proposed for visitors, adequate provision of which are lacking at present. The school also intends to rationalise the existing parking arrangement, including the separation of staff and visitor access and parking. However, this falls outside the application site and does not require planning permission.
- 9.8 Parking and access are acceptable and in accordance with policies AM14 and AM15 of the UDP and policies TRAN2 and TRAN4 of the BCCS.

### Trees and Landscaping

- 9.9 The proposal will result in the loss of a number of trees. However, with the proposed tree planting there would be no net loss of trees at the site. Subject to conditions as recommended, the proposed landscaping scheme, including hard and soft areas of landscaping, the proposal is acceptable and in accordance with policies D6 and N7 of the UDP.

## **10. Conclusion**

- 10.1 The proposal is acceptable in principle. It would not be inappropriate in the Green Belt. Design, access parking, and impact on trees would be acceptable.



10.2 Subject to the submission and approval of additional ecological surveys, and the imposition of conditions as recommended, the proposed development would be acceptable and in accordance with the development plan.

## **11. Recommendation**

11.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00349/FUL, subject to:

1. Receipt, and approval, of a Great Crested Newt Survey and Emergence/re-entry survey for Bats.
2. Any appropriate conditions including;
  - External finishes and architectural detailing
  - Measures to protect neighbours amenity during construction/demolition, including operational hours.
  - Tree protection
  - Implementation of landscaping
  - Submission of a Travel Plan
  - Drainage details
  - Implementation of the recommendations of the Extended Phase 1 Habitat and Bat Survey report
  - Site waste management plan.
  - On-site renewable energy generation
  - Full details of the proposed boundary treatment
  - Construction details of reinforced grass track (to ensure no harm to trees)
  - Restrict the use of the reinforced grass track to emergency vehicles only.

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



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**Planning Application No: 12/00349/FUL**

Location	Wolverhampton Girls High School, Tettenhall Road, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 389538 299258
Plan Printed	10.05.2012	Application Site Area	3739m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00320/OUT **WARD:** Bilston East

**RECEIVED:** 16.03.2012

**APP TYPE:** Outline Application

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

**PROPOSAL:** Outline application with landscaping reserved. Erection of 47 apartments and car parking

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

**AGENT:**  
Mike Coleman  
Mike Coleman and Associates  
317A Dudley Road  
Blakenhall  
Wolverhampton  
WV2 3JY

### COMMITTEE REPORT:

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

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

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

- 2.1 This is an outline application but with only landscaping reserved for later approval. Details of layout, scale, external appearance and means of access are all submitted for approval at this stage.
- 2.2 The application proposes a four storey V-shaped perimeter block of 47 flats. In the centre of the site is amenity space and a car park with 27 spaces, accessed via a private drive off Railway Drive.
- 2.3 The exterior of the building would be of brick and render.

### **3. Planning History**

- 3.1 11/00072/OUT. Erection of 35 flats. Reported to Planning Committee on 31<sup>st</sup> January 2012. Delegated authority to Grant subject to receipt of satisfactory plans and completion of a S106 Agreement. Pending Decision.
- 3.2 06/0740/DW/C. Outline application for use of site to provide either light industrial/general industrial (Use class B1/B2). Granted 3<sup>rd</sup> August 2006.

### **4. Constraints**

- 4.1 Authorised Processes
  - Coal Mining
  - Mineral Safeguarding Area

### **5. Relevant Policies**

- 5.1 National Planning Policy Framework
- 5.2 Black Country Core Strategy

- CSP4 Place Making
- CSP5 Transport Strategy
- DEL1 Infrastructure Provision
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- TRAN2 Managing Transport Impacts of New Development
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island
- ENV7 Renewable Energy
- ENV8 Air Quality
- WM1 Sustainable Waste and Resource Management
- WM5 Resource Management and New Development
- EMP5 Improving Access to the Labour Market

- 5.3 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
- D13 Sustainable Development Natural Energy
- EP1 Pollution Control
- EP3 Air Pollution
- EP5 Noise Pollution

- EP8 Water Supply Arrangements for Development
- EP9 Sustainable Drainage Arrangements for Dev
- EP11 Development on Contaminated Unstable Land
- HE1 Preservation of Local Character and Dist
- N1 Promotion of Nature Conservation
- H6 Design of Housing Development
- H8 Open Space, Sport and Rec. Req. new Dev.
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

#### 5.4 Supplementary Planning Documents

SPG3 - Residential Development

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

6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 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 No reply.

### 8. **Internal Consultees**

8.1 **Transportation Development** – No objection.

8.2 **Ecology** – No objection subject to submission of an acceptable ecology survey.

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

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

### 9. **External Consultees**

9.1 **Coal Authority** – An acceptable coal mining risk assessment should be submitted.

## **10. Legal Implications**

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 It should be noted that the publication of the National Planning Policy Framework on the 27 March 2012 further supports the Council's approach in going forward with flexible approaches to S106 planning Obligations. In addition to reiterating the tests contained in Regulation 122 of the Community Infrastructure Regulations 2010 it also provides that “ where obligations are being sought or revised, local planning authorities should take into account changes in market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled” KR/10052012/U.

## **11. Appraisal**

### 11.1 Key issues:

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

#### Acceptability of Residential Use

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

#### Design

- 11.3 The proposed scale, layout and external appearance are acceptable and in accordance with UDP policies D5, D7, D8, D9, H6 and BCCS policies CSP4, ENV3 and HOU2.

#### Noise and Air Quality

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

#### Access and Parking

- 11.5 The site layout includes an adequate number of car parking spaces and the site has good quality public transport links and is located nearby to the services and facilities provided within walking distance at Bilston Town Centre. The proposals are in accordance with UDP policies AM12, AM15 and BCCS policy TRAN2.

#### Renewable Energy, Waste and Sustainable Drainage

- 11.6 BCCS policy ENV7 “Renewable Energy” includes the requirement for major developments to incorporate the generation of energy from renewable sources

sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. This can be required by condition.

- 11.7 BCCS policy WM1 “Sustainable Waste and Resource Management” and WM5 “Resource Management and New Development” require the submission of details of what material resources will be used in major developments and how and where the waste generated will be managed. This can be required by condition.
- 11.8 BCCS policy ENV5 “Flood Risk, Sustainable Drainage Systems and Urban Heat Island” requires that applicants demonstrate that they have considered the potential for sustainable drainage (SUDS). This information can be required by condition.

#### S106 Contributions

- 11.9 There is a requirement for a S106 agreement to secure:
- 25% Affordable housing (UDP policies H6)
  - BCIS Indexed financial contribution of £117,500 towards off site open space and play (UDP policy H8).
  - Public art (UDP policy D14 and BCCS policy CSP4)
  - Targeted recruitment and training (BCCS policy EMP5)
  - Management company for communal areas
- 11.10 However, the agents state that the site was purchased at the height of the property boom and given the current market, its development would not be financially viable. They are therefore seeking a waiving or relaxing of the S106 obligations.
- 11.11 On 11<sup>th</sup> November 2009 and 23<sup>rd</sup> March 2011 Cabinet endorsed a flexible and proactive approach to planning obligations, in response to the economic downturn. In order to justify a reduction in the normal S106 requirements, the applicants have been invited to submit a financial viability appraisal to demonstrate their case.
- 11.12 If a reduction in normal S106 requirements on financial viability grounds is justified, such a reduction should be time limited, to encourage early development and in case viability improves over time. It is therefore recommended that a reduced public open space and play contribution should apply on a pro-rata basis to any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation. As the proposed development is a single block of flats, it is recommended that any reduction in affordable housing or public art requirement should apply to the development as a whole providing that the exterior of the building is completed and at least 28 of the flats are ready for occupation within 3 years of the date of this Committee, and the full requirement applying if this is not achieved. It would be open for the developer to seek a future reduction in S106 requirements through a deed of variation supported by a financial viability appraisal at that time.

## **12. Conclusion**

- 12.1 Residential development is acceptable in principle. The details of the proposal are acceptable. The development would be in accordance with development plan policies subject to resolution of the following outstanding matters and a S106 and conditions as recommended:
- Receipt of an acceptable ecology survey and coal mining risk assessment.

## **13. Recommendation**

- 13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00320/OUT subject to:

1. Receipt of acceptable ecology survey and coal mining risk assessment
2. The completion of a S106 agreement to secure:

For the whole development:

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

If the development is financially viable:

- Public open space/play contribution of £117,500
- 25% affordable housing
- Public art

If the development is not financially viable:

- Reduced public open space and play contribution (amount based on financial viability) on a pro-rata basis for any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation.
- Reduced affordable housing or public art requirement (amount based on viability) shall apply to the development as a whole providing that the exterior of the building is completed and at least 28 of the flats are ready for occupation within 3 years of the date of this Committee, with the full requirement applying if this is not achieved.

3. Any necessary conditions to include:
  - Access road construction details
  - External lighting
  - Landscape implementation
  - Tree protection
  - Ground investigation and remediation
  - Noise / Air Surveys and implementation of mitigation works
  - Levels (existing and proposed)
  - Implement ecological recommendations
  - Cycle and motorcycle parking
  - Refuse storage

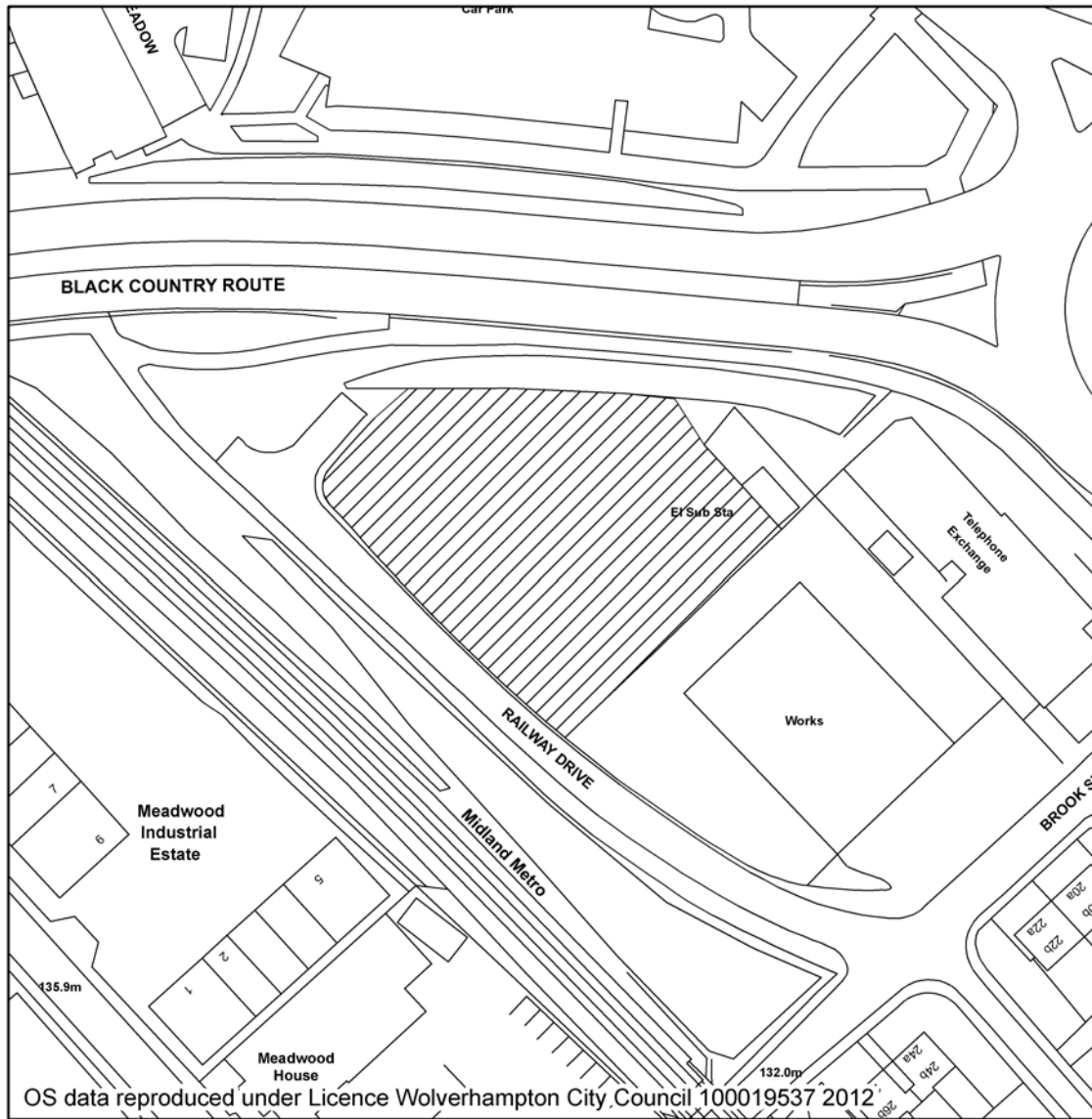


- Provision of boundary treatments and gates to car park
- Site waste management plan
- 10% Renewable Energy
- Drainage

Note for information

There will be a requirement for the applicant/developer to enter into a combined Section 278/38 agreement under the Highways Act 1980 for necessary alterations to the existing Highway and construction/adoption of the new footway along the site frontage on Railway Drive.

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



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**Planning Application No: 12/00320/OUT**

Location	Land To The Rear Of Works And Telephone Exchange, Railway Drive, Bilston, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 395212 296290
Plan Printed	10.05.2012	Application Site Area	2765m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00478/TEL **WARD:** Penn

**RECEIVED:** 24.04.2012

**APP TYPE:** Telecommunications Notification

**SITE:** Land On South Corner Of Mount Road, Penn Road, Wolverhampton

**PROPOSAL:** Telecommunication - Vodafone - installation of a 15m street pole and associated equipment.

**APPLICANT:**

Vodafone Ltd  
C/O Agent

**AGENT:**

Mr Richard Birchfield  
Cellular Systems Ltd  
1 Shell Green  
Bennetts Lane  
Widnes  
Cheshire  
WA8 0GW

### COMMITTEE REPORT:

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

- 1.1 The application site is on the east side of Penn Road immediately south of its junction with Mount Road. The proposal would be located on a grass verge in front The Mount Public House. There is a stand of mature trees immediately to the south which are approximately 12-14 metres high.
- 1.2 The surrounding area is mixed use, although predominantly residential both Penn Road and Mounts Road have shops and commercial properties.

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

- 2.1 The application is for a telecommunications development for the installation of a 15m high column, finished in grey, with associated equipment and housing.
- 2.2 The application is not a planning application, but a type of application known as 'Prior Notification'. This means that the Council has 56 days from the receipt of the application to make a decision on it. Failure to do so and deliver formal of that decision within 56 days means that the applicant is able to install the proposed telecommunications equipment without any formal approval. The 56 days expire on 19<sup>th</sup> June 2012.

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

- 3.1 11/00645/TEL for Telecommunication - Vodafone/02 - installation of a 15m streetpole and associated equipment and housing - Refused, dated 02.08.2011 – Allowed on Appeal 10<sup>th</sup> January 2012.

#### **4. Constraints**

- 4.1 Mining Advice area

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

##### The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D6 - Townscape and Landscape

D7 - Scale - Height

D8 - Scale - Massing

D9 - Appearance

EP20 - Telecommunications

AM15 - Road Safety and Personal Security

##### Black Country Core Strategy

ENV3 – Design Quality

CSP4- Place Making

##### Supplementary Planning Document

Wolverhampton Interim Telecommunications Policy

##### National Policy

- 5.2 National Planning Policy Framework

#### **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 at the time of writing. The consultation period expires 29<sup>th</sup> May 2012.

#### **8. Consultees**

- 8.1 None

## **9. Legal Implications**

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 In the case of mobile phone masts up to 15 metres there is a modified system of planning control that is governed by permitted development rights under Part 24 – Development by Electronic Communications Code Operators of the Town and Country Planning (General Permitted Development) Order 1995. The permitted development rights are subject to a number of conditions and importantly before development begins an application must be made to the local planning authority to determine whether it will require “prior approval” of the siting and appearance of the development.
- 9.3 The local planning authority is required to give notice to the applicant within 56 days of the receipt of the application if it requires prior approval. If the local planning authority does consider it requires prior approval then it must proceed to approve or refuse the application within 56 days and notify the applicant within that time. There is no ability to extend this time limit by agreement or otherwise and failure to act in the prescribed period will mean that the development will be deemed to have consent. (LD/09052012/Y)

## **10. Appraisal**

10.1 The key issues are: -

- Character and appearance
- Highway Safety
- Perceived health issues

### Character and appearance

- 10.2 The siting of the proposed telecommunications streetpole is approximately 7 metres west of a recent permission for the installation of the same piece of equipment. Permission was allowed on this site following an appeal to the Planning Inspectorate. It is considered that significant weight should therefore be given to the fact that permission already exists for the same proposal in close proximity to the site.
- 10.3 In the appeal decision the inspector acknowledged that the site was prominent and that the proposed installation would be the tallest structure in the immediate vicinity, but considered that there were mitigating factors that outweighed this potential harm. These were as follows; that the two operators would share the facility, therefore avoiding the need for a second structure. Although sited on a main road, the proposal had been located as far as possible from any residential property within the area of search. The trees to the south provide significant screening reducing the harshness of the proposed structure. Although the area is predominantly residential the land uses around the site are mixed and therefore there is already street furniture against the proposed installation will be seen.

- 10.4 The applicants have stated that they were unable to implement this permission due to the presence of underground water chambers. The proposal has had therefore to be relocated to the west closer to the Penn Road and the cluster of mature trees. It is considered that being sited closer to the cluster of trees would reduce its visual prominence.
- 10.5 The council's interim telecommunications policy advises against this type of equipment being sited fronting main roads and in predominantly residential areas. However in this instance it is considered the planning inspector's decision to allow the same piece of equipment approximately only seven metres east of this site carries considerable weight as all the material considerations in terms of its impact on character and appearance of the area are the same. Although the siting of the equipment has changed, it is not considered that this would alter the conclusions drawn in the inspector's decision.
- 10.6 It is therefore considered that the material harm to the visual appearance of the area is offset by the mitigating factors, the need for the facility and the absence of any satisfactory alternative sites. The proposal is therefore compatible with UDP policies D6, D7, D9, EP20 and BCCS policies CSP4 and ENV3.

#### Highway Safety

- 10.7 Subject to no overriding objections from Transportation, it is not considered that the proposal would adversely affect visibility at the junction of Mount Road and Penn Road. Therefore the proposal is satisfactory in respect of UDP policy AM15.

#### Perceived Health Issues

- 10.8 UDP policy EP20 states that 'it is the view of Central Government that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile phone base station meets the ICNIRP (International Commission for Non-Ionizing Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning or prior approval, to consider further the health aspects and concerns about them'. The application is supported by a certificated which shows compliance with ICNIRP. The proposal is therefore in accordance with UDP policy EP20 and it is therefore considered that any perception of adverse effect on health which may be felt by local residents and other users could not form sound grounds for refusal.

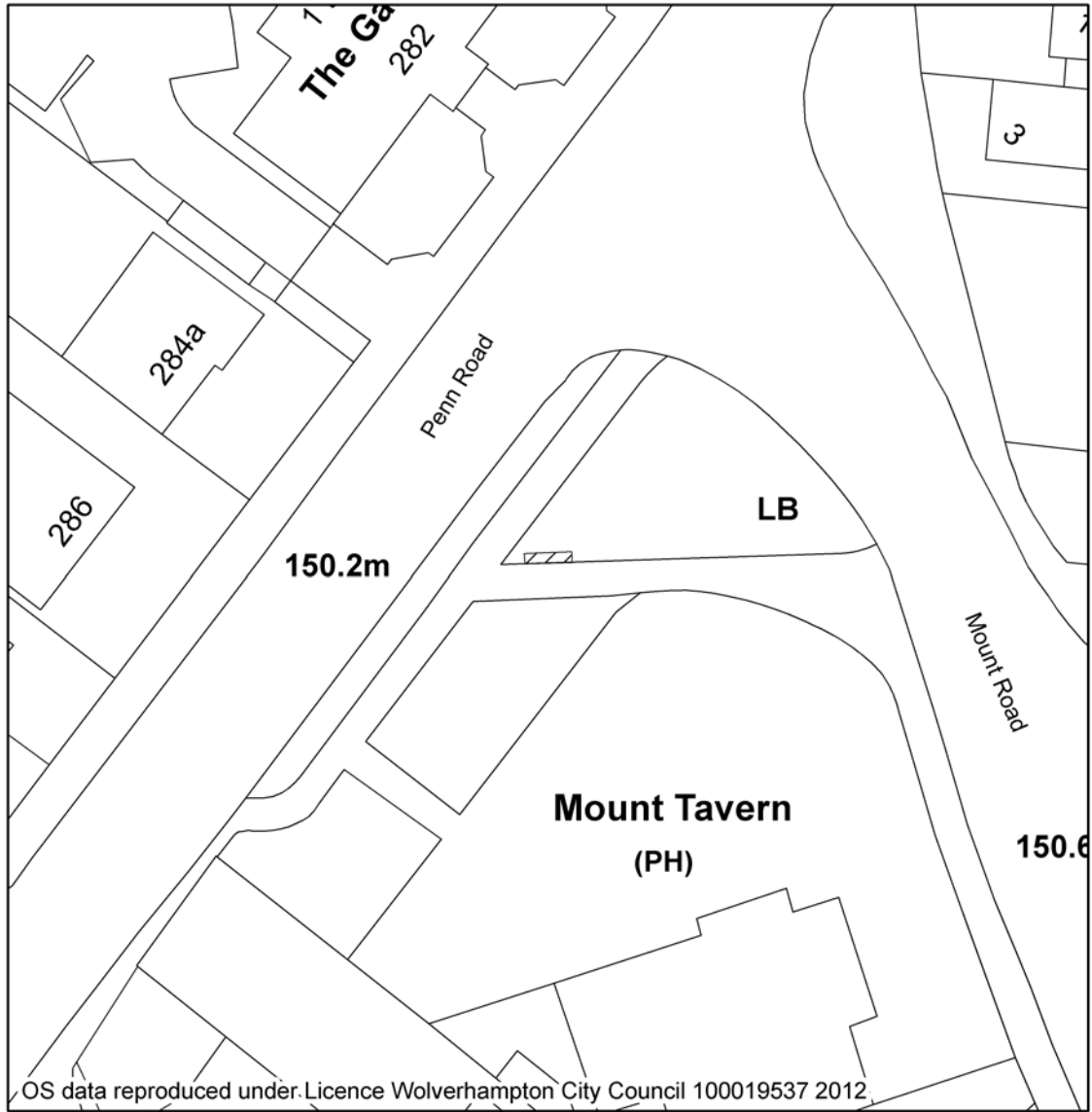
## **11. Conclusion**

- 11.1 The proposed telecommunications equipment is considered to be on a site located within an area identified as a 'more sensitive' site as defined in the Council's Interim Telecommunications Policy. However on balance, when taking into consideration a recent planning inspector's decision, the need for the facility and the absence of any suitable alternative sites, the proposal is considered appropriate. The proposal is therefore compatible with UDP policies D6, D7, D9, EP20 and BCCS policies CSP4 and ENV3.
- 11.2 Subject to no overriding objections from Transportation the proposal would not adversely affect highway and is satisfactory in respect of UDP policy AM15.

**12. Recommendation**

- 12.1 That the Interim Director for Education and Enterprise be given delegated authority to grant telecommunications notification 12/00478/TEL subject to no Transportation objections and no further public objections raising new material planning considerations.

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



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**Planning Application No: 12/00478/TEL**

Location	Land On South Corner Of Mount Road, Penn Road, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390165 296443
Plan Printed	10.05.2012	Application Site Area	2m <sup>2</sup>



## **PLANNING COMMITTEE - 22-May-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. Report Update**

- 1.1 This application was reported to Planning Committee on 27<sup>th</sup> March 2012. It was resolved to grant planning permission subject to the negotiation and completion of a section 106 agreement to include a financial contribution to cover the loss of public open space resulting from the development. A copy of the earlier report is attached for information.
- 1.2 The land is Council owned and a Development Agreement has been signed with the developer who is purchasing the land when construction is completed. Legal Services advise that the Council cannot enter into a S106 Agreement both as landowner and local planning authority. The problem can be overcome by forming an agreement under section 111 of the Local Government Act 1972. This could be used as an alternative mechanism to secure the planning obligation. This statutory provision empowers the Council to do something which is calculated to facilitate the discharge of a Council function. The function in this case would be the planning process. The developer would enter into the agreement with the City Council to provide the financial contributions that would otherwise have been acquired via a section 106 agreement.
- 1.3 Subject to the applicant entering a section 111 agreement to cover the loss of open space contribution the proposal would be in accordance with UDP policy R3.

#### **2. Legal Implications**

- 2.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/09052012/N

### **3. Recommendation**

3.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00067/FUL, subject to;

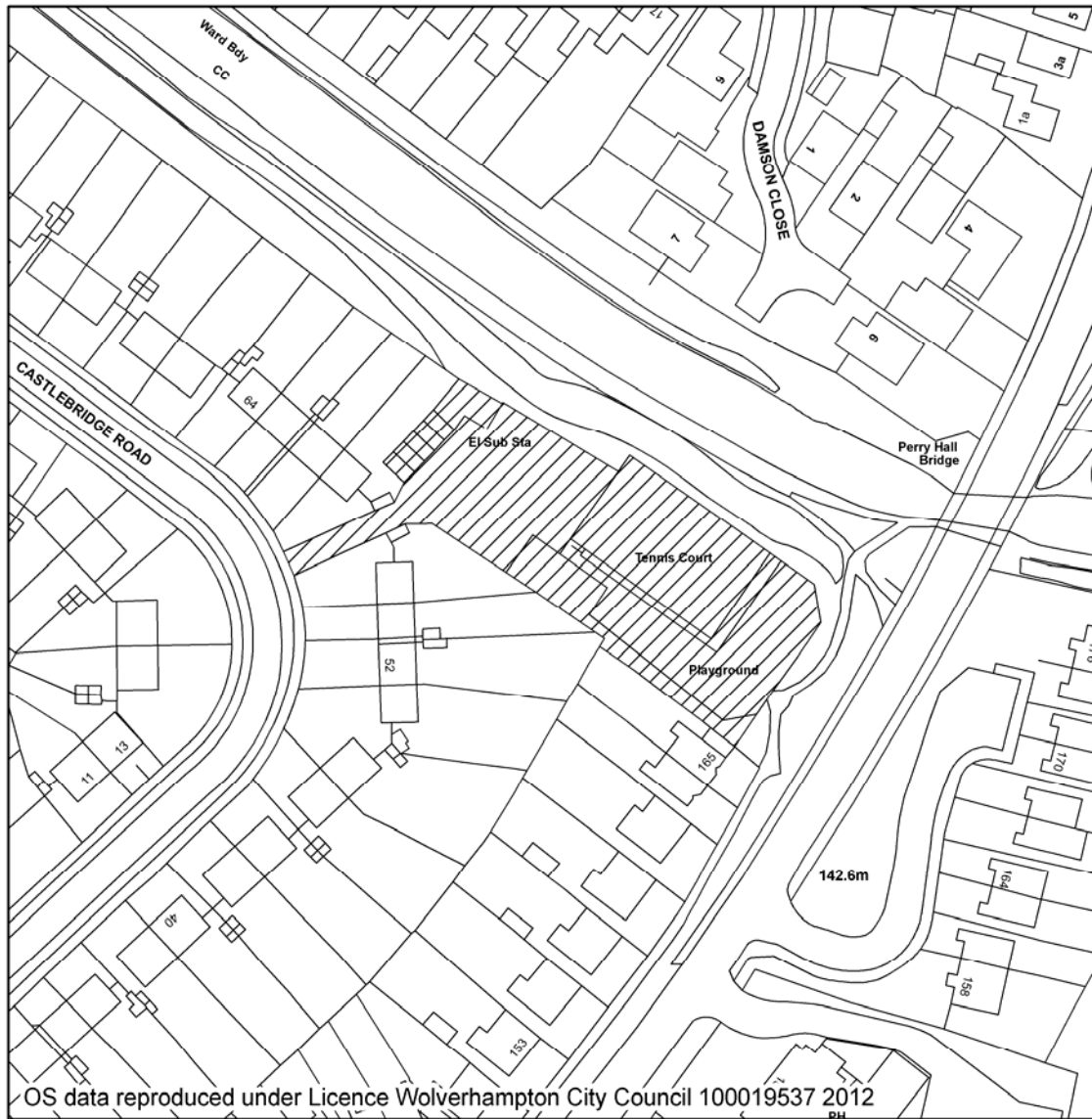
1) Negotiation and completion of a section 111 agreement to include;

(i) Loss of open space contribution (BCIS indexed)

2) 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)	1:5000	National Grid Reference	SJ 396396 300803
Plan Printed	11.05.2012	Application Site Area	2079m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 11/01097/FUL                      **WARD:** Heath Town  
**RECEIVED:** 23.11.2011  
**APP TYPE:** Full Application

**SITE:** The Great Horse Public House, Prestwood Road, Wolverhampton  
**PROPOSAL:** Part change of use of the existing public house into a hot food takeaway.

**APPLICANT:**  
SEP Properties Limited  
Dudley House  
3rd Floor  
Stone Street  
Dudley  
DY1 1NP

**AGENT:**  
Mr Sunil Dhanda  
Johnson Fellows LLP  
Charter House  
163 Newhall Street  
Birmingham  
B3 1SW

### COMMITTEE REPORT:

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

- 1.1 The application site comprises of a vacant public house, The Great Horse. The building is of modern appearance, and was built in 1974, and is located within the Heath Town area of Wolverhampton. The Great Horse is located within a predominantly residential location, on a large site. The building has a prominent main road frontage to both Prestwood Road, to the east, and Bushbury Road to the west and is surrounded by an existing 40 space car park.
- 1.2 The existing building is a two storey 1970's property with single storey extensions to the side. The building has already been sub divided into the two, and part of the building has been converted into a One Stop Convenience store, which opened in February 2012 (for which planning permission was not needed)

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

- 2.1 The application proposes the change of use of part of the building from its previous Pub use (class A4 use) into class hot food takeaway class A5 use. The unit would have an internal floorspace of 114sqm.
- 2.2 The application proposes hours of opening as, Monday to Saturday 11.30 – 23.00 hours and Sundays and bank holidays 17.00 – 22.30 hours.

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

12/00004/ADV for Installation of 3no fascia signs, 1no shopfront windows graphic, 1no framed sign, 1no ATM sign and 1no ATM clip frame sign. Granted, dated 27.01.2012.

12/00023/FUL for Installation of a new shopfront, an ATM machine, installation of 2no anti ram raid security bollards, construction of 2no Access Ramps and Installation of 1no refrigeration condenser and 3no air conditioning condensers., Granted, dated 24.02.2012.

#### **4. Relevant Policies**

##### The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan  
C3 - Community Meeting Places  
CEN6 - Meeting Local Needs for Shopping and Services  
D10 - Community Safety  
AM12 - Parking and Servicing Provision  
AM15 - Road Safety and Personal Security  
EP5 - Noise Pollution  
SH14 – Catering Outlets

##### Other relevant policies

- 4.2 National Planning Policy Framework – March 2012
- 4.3 Black Country Core Strategy Adopted February 2011  
ENV3 – Design Quality  
CSP4 - Place Making

#### **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 formal Environmental Impact Assessment as defined by the above regulations is required. [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 Three representations received, and one request to speak at planning committee on the following grounds:
- Noise Nuisance
  - Litter
  - Increase in traffic
  - Anti Social behaviour
  - Enough takeaways in close proximity to the application site
  - Loss of Community Meeting Place

- Lack of information submitted to justify Policy C3.

## 7. **Internal Consultees**

**Environmental Services** – No objections, subject to conditions on:

- Odour nuisance
- Ventilation system,
- Submission of a noise report,
- Submission and details of proposed flue.
- Details of refuse storage
- Opening hours for deliveries and collection of goods restricted to 7am-12pm Mon-Fri and 8am-12pm Sat & Sun.

**Transportation Development** – No objections, subject to conditions on:

- Disabled parking to be provided and marked out.
- Cycle storage for staff and visitors

## 8. **Legal Implications**

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 Under the Town and Country Planning (Use Classes Order) 1987 the former public house use falls under Class A4 Drinking Establishment, part of which has already been changed to a Class A1 Shop use. The proposed use falls under Class A5 Hot Food Takeaway. KR/05042012/V.

## 9. **Appraisal**

- 9.1 The key issues are:  
Economic Prosperity/Sustainable Development  
Principle of Development/Loss of Public House  
Highways and Layout  
Neighbouring Amenity

### Economic Prosperity

- 9.2 The NPPF and the Black Country Core Strategy (BCCS) envisages and supports the creation of an economically sustainable prosperous Black Country.
- 9.3 The application proposal would create a number of full and part time jobs, the total amount yet to be confirmed. The applicants have also stated that they wish to commence on-site within weeks of permission being granted.
- 9.4 For these reasons the proposal would accord with the aims of the BCCS.

### Principle of Development/Loss of Public House

- 9.5 Policy C3 Community Meeting Places, of the UDP, seeks to protect Community Meeting Places. Proposals involving the loss of public houses will only be

permitted if it can be demonstrated that, there is no longer a need for the facility, and there are other existing facilities, in locations that are reasonably accessible including on foot, by members of the community. The policy further states that permission would only be granted if it would not be possible to retain the facility, or provide an alternative facility, because despite all reasonable efforts this would not be economically viable.

- 9.6 The application would bring back into use a derelict building, which has already been subdivided into a retail A1 unit, in one part, which is currently trading as a One Stop Local Convenience Store. The main section of the former pub is now occupied by the One Stop Shop, planning permission is not required for the change of use from a public house to the a retail A1 unit. . The left hand side of the vacant pub, which comprised of the bottle store, cellar and garage are now separated from the new shop unit and flat above. Therefore, the proposed unit subject to this application, would not physically be able to be converted back into a pub.
- 9.7 Matthew Phillips Surveyors were employed to market the pub, on behalf of Punch Taverns in early May 2010. The Surveyors have confirmed that the pub had been closed for some considerable time prior to the agents gaining possession of the property. The pub had apparently been stripped out of all its fixtures and fittings and all that remained during the marketing process was the bar and fixed seating within the building.
- 9.8 The property had been marketed through the traditional methods of brewery magazines, local newspapers and mail shots, and a cold calling exercise. Initially, this resulted in considerable interest in the property, either returning it to the local community as a pub, or other retail premises. The agents have further confirmed that due to the economic downturn and lack of potential funding, interested parties could not gain sufficient financial backing to carry through their business plans.
- 9.9 The applicant has also provided further evidence, identifying four further public houses, which are located within a reasonable accessible distance from the application site. These pubs are:
- The Golden Lion – Cannock Road
  - The Manhattan Pub – Wolverhampton Road
  - The Bird in Hand – Thorneycroft Lane
  - The Star – Frome Drive
- 9.10 It is therefore considered that the application complies with Policy C3 of the adopted UDP.

#### Highways/Layout

- 9.11 Transportation have made no objections to the proposal, subject to conditions on, disabled parking provision and cycle storage to be provided, prior to the opening of the development. Furthermore, the site benefits from a large 40 space car park, with adequate access. It is therefore considered that the application complies with policy AM15 of the Adopted UDP.

### Neighbouring Amenity

- 9.12 Policy SH14, of the UDP states that proposals which affect the amenities of residential accommodation may be permitted subject to conditions to limit the permitted hours of operation, where it is considered that the effects can be satisfactorily mitigated by such limit. Environmental Services have made no objections to the proposal, subject to conditions on, odour nuisance, Ventilation system, and submission of a noise report, submission and details of proposed flue. Other conditions, required include details of refuse storage, restriction on opening hours for deliveries and collection of goods.
- 9.13 It is therefore considered that subject to the above conditions, the application proposal complies with policy SH14.

## **10. Conclusion**

- 10.1 It is considered that the principle of development is acceptable, and the loss of the remaining part of the Public House has been adequately justified, therefore the application complies with Policy C3 of the adopted UDP. Furthermore, the applicants estimate that the proposal would create a number of full and part time jobs, the total amount yet to be confirmed, therefore complying with the BCCS and NPPF..
- 10.2 Transportation have made no objections to the proposal, and the site has a large 40 space car park, with adequate access. It is therefore considered that the application complies with policy AM15 of the Adopted UDP.
- 10.3 It is considered that the use of the application site as a Hot Food Takeaway is acceptable. Subject to appropriate conditions, any disturbance to the amenities of neighbouring residents can be mitigated. It is therefore considered that the proposal complies with Policy SH14 of the adopted UDP.

## **11. Recommendation**

That planning application 11/01097/FUL is granted, subject to the following conditions:

- Opening Hours as specified;- Monday to Saturday 11.30 – 23.00 hours and Sundays and bank holidays 17.00 – 22.30 hours.
- Odour nuisance
- Suitable Ventilation system,
- Submission of a noise report,
- Submission and details of proposed flue.
- Details of refuse storage
- Opening hours for deliveries and collection of goods - 7am-12pm Mon-Fri and 8am-12pm Sat & Sun.
- Disabled parking to be provided and marked out.
- Cycle storage for staff and visitors

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





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**Planning Application No: 11/01097/FUL**

Location	The Great Horse Public House, Prestwood Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393186 300120
Plan Printed	10.05.2012	Application Site Area	458m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00379/VV

**WARD:** Blakenhall

**RECEIVED:** 02.04.2012

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

**SITE:** 106 Birmingham Road, Wolverhampton, WV2 3NH

**PROPOSAL:** Variation of condition 5 of application 11/01164/FUL to allow for 24-hour use as a gym.

**APPLICANT:**  
Pure Gym Limited  
C/o Agent

**AGENT:**  
Mr James Mumby  
Pegasus Planning Group  
5 The Priory  
Old London Road  
Canwell  
Sutton Coldfield  
B75 5SH

### COMMITTEE REPORT:

#### **1. Background**

- 1.1 On the 28<sup>th</sup> of February 2012, Planning Committee resolved to grant permission for the use of 106 Birmingham Road as a gym (11/01164/FUL). Permission was issued subject to a number of conditions. Condition 5 of the restricted operational hours and commercial vehicle movements, to or from the site, to 0700 to 2200hrs Monday to Friday and 0800-1800 hrs Saturdays, Sundays and Bank Holidays. The reason for this condition was in the interests of the amenity of the area.

#### **2 Update**

- 2.1 Following the Planning Committee meeting on the 28<sup>th</sup> of February 2012 an operator, Pure Gym, are now in the process of occupying the building. Pure Gym are a relatively new company, but currently occupy over 20 premises across the country all of which are open 24 hours a day.

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

- 3.1 11/01164/FUL for Change of use from retail to gym. Granted 1<sup>st</sup> of March 2012.

#### **4. Relevant Policies**

- 4.1 National Planning Policy Framework  
4.2 Black Country Core Strategy

- CSP1 The Growth Network
- CSP2 Development Outside the Growth Network
- EMP1 Providing for Economic Growth
- CEN1 The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2 Hierarchy of Centres
- CEN3 Growth of Strategic Centres
- CEN4 Regeneration of Town Centres
- CEN5 District and Local Centres
- CEN6 Meeting Local Needs for Shopping and Services
- CEN7 Controlling Out-of-Centre Development
- TRAN2 Managing Transport Impacts of New Development

#### 4.3 Wolverhampton's Unitary Development Plan

- SH1 Centres Strategy
- SH2 Centres Uses
- SH3 Need and the Sequential Approach
- SH4 Integration of Development into Centres
- SH5 Wolverhampton City Centre
- SH11 New Retail Development Comp. Goods
- SH12 New Retail Development – Bulky Goods
- SH13 New Retail Development Foodstores
- CC1 City Centre Shopping Strategy

### **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 Two letters of objection have been received by local residents. Whilst they do not object to the premises being used as a gym, they are concerned about the additional disturbance that would be caused by the gym being open 24 hours a day.

### **7. Internal Consultees**

- 7.1 **Environmental Services** – Despite the relative low-impact potential of the proposed use, the relative close proximity of residents to the site is a concern, particularly due to the necessity for multiple items of mechanical plant.

- 7.2 In principle there are no overriding objections to the gym being used for 24 hours, providing that the mechanical plant which will be required can operate at a level which will not be intrusive to residents.
- 7.3 **Transportation Development** – No objections in principle to the proposed development. The level of trips generated during additional hours of opening are unlikely to be of a significant level, any additional trips in this period would also correspond with low traffic levels on the highway network.

## **8. Legal Implications**

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 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.  
LM/04052012/M

## **9. Appraisal**

- 9.1 The applicants have submitted evidence from other premises which illustrates that usage during the night is low. However, whilst the general trend is towards a morning and evening peak in usage, the applicants state that there are a number of key workers and those working unsocial hours, who would wish to use the gym during the night and that this is a unique selling point for them.
- 9.2 Overnight, noise levels are expected to be minimal. Numbers are anticipated to be low and many users will use their own music players, avoiding the need for amplified music. The applicants have also confirmed that access to the building will be through two sets of secure doors requiring pin code entry. In this system, it is very unlikely that both doors will be open at the same time, further reducing the possibility of noise breakout.
- 9.3 The most likely cause of noise disturbance is the plant work associated with the use of the premises of the gym. However, there is no reason why this could not be designed and/or located in such a way as not to cause disturbance. It is considered that this detail can be conditioned on grant of permission.

9.4 In the unlikely event of a disturbance to residents during unsocial hours, this could be controlled by attendant staff or, if a statutory nuisance occurred, through provisions within the Environmental Protection Act 1990.

## **10. Conclusion**

10.1 Prior to the occupation of the premises by a Pure Gym, the premises had been vacant for almost 7 years. The occupation of the premises on a strategically important route is welcome as is the financial investment in this location and the creation of up to 30 jobs.

10.2 The amenity of neighbouring residents is an important consideration, but it is considered that the proposal to allow use of the premises for 24 hours a day on the basis of the analysis of similar operations by the same company elsewhere, is unlikely to give rise to undue noise disturbance. However in view of the concern expressed, it is felt prudent to recommend only a temporary consent now, so that possible disturbance could be monitored. At the end of such a period, the applicant could apply again for a permanent consent, when the Committee would have actual experience of the extended hours and so be better informed to consider a permanent permission.

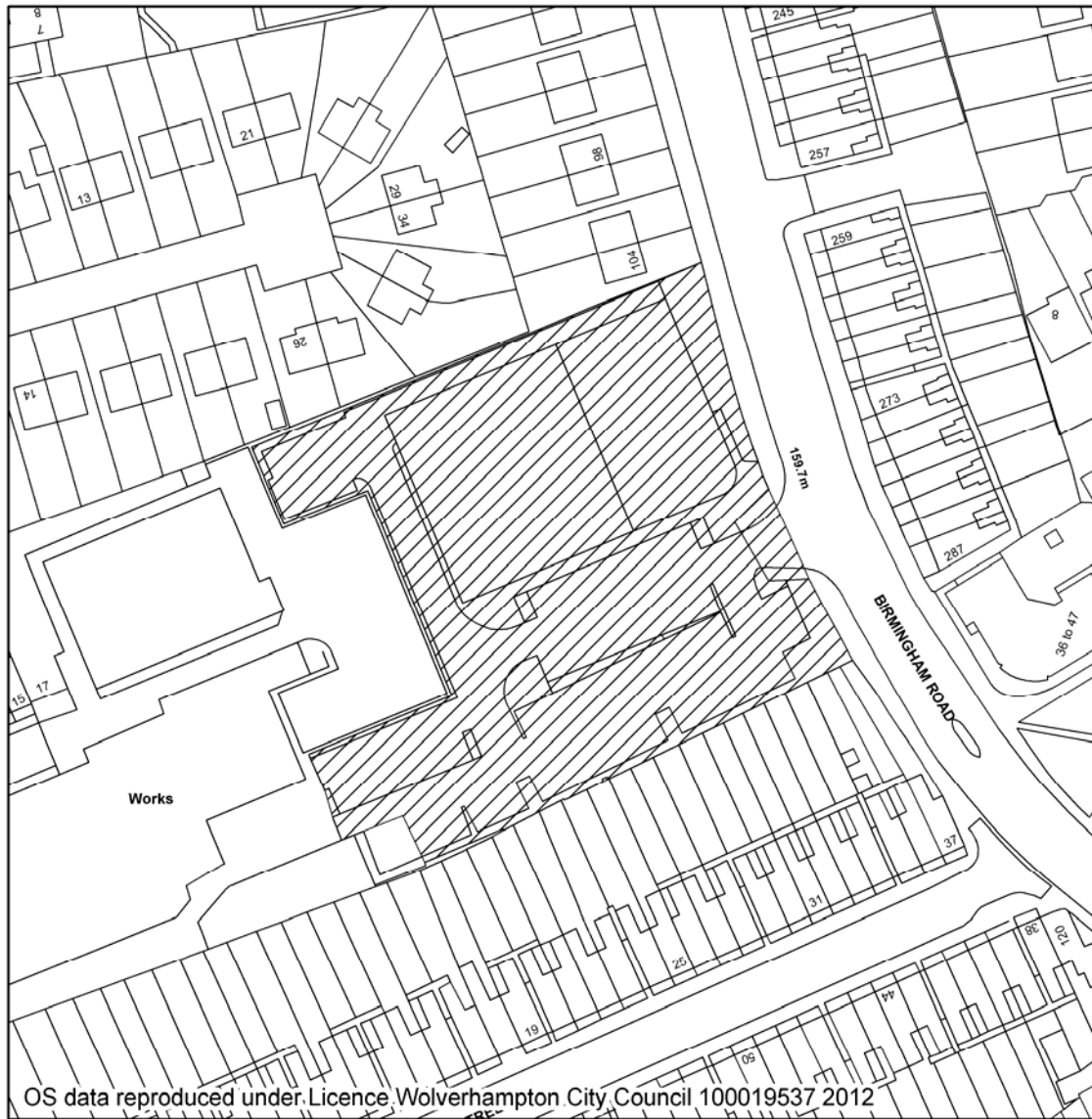
10.3 The national planning policy framework states that ‘significant weight should be placed on the need to support economic growth, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...’.

## **11. Recommendation**

11.1 That planning application 12/00379/VV be granted, for a temporary period on 12 months subject to the following conditions:

- Remove permitted development for change of use within Use Class D2.
- Restrict maximum gross floor area
- Submission of delivery strategy
- Establishment of clockwise circulatory pattern for car park users
- Cycle and motorcycle parking
- Car park management plan
- Details of vents/flues/plant work

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



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**Planning Application No: 12/00379/VV**

Location	106 Birmingham Road, Wolverhampton, WV2 3NH		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391707 297342
Plan Printed	10.05.2012	Application Site Area	5482m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00344/FUL

**WARD:** Graiseley

**RECEIVED:** 21.03.2012

**APP TYPE:** Full Application

**SITE:** 192 Merridale Street West, Wolverhampton, WV3 0RP

**PROPOSAL:** Creation of 2 flats

**APPLICANT:**

Mr Naresh Badhan  
192 Merridale Street West  
Wolverhampton  
WV3 0RP

**AGENT:**

### COMMITTEE REPORT:

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

- 1.1 The end of terrace property is located in a predominately residential area.
- 1.2 The property has been extended with a two storey side extension.
- 1.3 The property is located at the end of a cul de sac and has off street parking for three vehicles.

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

- 2.1 The proposal is for two self contained one bedroom flats at the ground and first floor respectively.
- 2.2 The provision of off street car parking for three vehicles.

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

08/00821/FUL for Change of use from office use to residential,  
Granted, dated 05.11.2008.

99/0185/FP for Two storey extension to side of offices,  
Granted, dated 28.04.1999.

A/C/2461/86 for Change of use of ground floor to offices,  
Refused, dated 11.12.1986.

C/1212/87 for Change of use of ground floor to offices and first floor to ancillary storage (i.e. Filing etc.),  
Refused, dated 15.07.1987.

C/0503/87 for Change of use of ground floor to offices and first floor to ancillary storage (i.e. Filing etc.),  
Refused, dated 15.04.1987.

#### **4. Relevant Policies**

##### The Development Plan

#### 4.1 Wolverhampton's Unitary Development Plan

D3 - Urban Structure

D4 - Urban Grain

D6 - Townscape and Landscape

D9 – Appearance

D11 - Access for People with Disabilities part 1

H5 - Housing Renewal and Neighbourhood Renewal

H6 - Design of Housing Development

##### Other relevant policies

#### 4.2 National Planning Policy Framework

#### 4.3 Wolverhampton's Supplementary Document No.3 Residential Development

#### 4.4 Black Country Core Strategy 2011. ENV3 Design Quality

#### **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 A petition with 23 representations objecting to the proposal has been received.



6.2 The objections to the proposal can be summarised as follows:

- The ongoing construction of flats in the vicinity is causing disruption and creating dust which is going into the properties and onto vehicles;
- The creation of more flats would lead to congestion and parking problems.

## **7. Internal Consultees**

7.1 HIMO Team – No objection.

7.2 Transportation Development – No objection

## **8. Legal Implications**

8.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal Implications reference LM/04052012/A

## **9. Appraisal**

9.1 The key issues are: -

- Neighbour amenity;
- Parking;
- Amenity space.

9.2 The proposal is to convert this end of terrace property into two self contained one bedroom flats. The flats would be on the ground and first floor respectively.

9.3 The flats are considered suitable for two persons as one bedroom flats. The layout of the flats works well. The proposal complies with UDP Policy H6 and SPG3.

9.4 The property is considered to be located in an area that has reasonable levels of accessibility to the local public transport services. Transportation Strategy considers that 2-3 parking spaces for a development of two flats is acceptable in principle for this development. Three parking spaces are available at the front of the property. The parking proposed at this development is considered acceptable. The parking provision complies with UDP Policy AM12 and SPG No.3.

9.5 The private amenity space at the rear is considered to be sufficient for the two flats. The shared private amenity space is approximately 60 square metres which complies with SPG No.3.

9.6 The conversion of the property into flats is unlikely to have an adverse affect on the amenity of the neighbouring properties in terms of daylight/sunlight, outlook and privacy due to the layout of the flats and orientation of the properties. Work to convert the building into two flats will not result in any substantial noise or

dust, as feared by residents, who complain of such disturbance from the new build flats taking place on the opposite side of the road from the site. The proposal complies with UDP Policy H6.

## **10. Conclusion**

- 10.1 The proposed development is considered to be acceptable in terms of amenity and parking and complies with Unitary Development Plan and BCCS Policies.

## **11. Recommendation**

- 11.1 It is recommended that delegated authority be given to the Strategic Director for Education and Enterprise to grant Planning Application 12/00344/FUL, subject to the following Conditions:

1. Prior to the use or occupation of the development hereby permitted, the parking areas shown on the approved plan shall be provided and shall thereafter be kept available for the parking of vehicles in connection with the use hereby approved, at all times.
2. Within two months of the development hereby permitted, details of the landscaping of the site (including hard surfaces, boundary treatments and wherever appropriate the retention of existing trees) have been submitted to, and approved in writing by, the local planning authority

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



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**Planning Application No: 12/00344/FUL**

Location	192 Merridale Street West, Wolverhampton, WV3 0RP		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390192 297853
Plan Printed	10.05.2012	Application Site Area	159m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00393/FUL

**WARD:** Tettenhall Regis

**RECEIVED:** 05.04.2012

**APP TYPE:** Full Application

**SITE:** The Crown Public House, Wergs Road, Wolverhampton, WV6 9BP

**PROPOSAL:** New jumbrella to front patio of the public house.

**APPLICANT:**

Mitchells & Butlers  
27 Fleet Street  
Birmingham  
B3 1JP

**AGENT:**

Mr Chris Rogers  
Pindar Design Partnership  
Suite 5 Sir Wilfrid Newton House  
Newton Chambers Road  
Sheffield  
South Yorkshire (Met County)  
S35 2PH

### COMMITTEE REPORT:

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

1.1 The application site is a public house located alongside a busy highway. The public house is set back from the road, with a number of large, mature trees set between the building and the highway.

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

2.1 This application seeks planning permission for a new permanent jumbrella to be located at the front patio of the public house.

2.2 The proposal would be supported on a central post with a 10m by 10m wide square canvas approximately 3.1m high.

2.3 The scheme will also include 4 x 9 watt energy saving lights and 4 x 1300w quartz halogen heaters.

#### **3. Constraints**

3.1 Tree Preservation Order

#### **4. Relevant policies**

The Development Plan  
4.1 Black Country Core Strategy (BCCS)  
CSP1 The Growth Network  
CSP3 Environmental Infrastructure  
CSP4 Place Making

EMP1 Providing for Economic Growth  
ENV3 Design Quality

- 4.2 Wolverhampton's Unitary Development Plan (UDP)
- D3 Urban Structure
  - D4 Urban Grain
  - D5 Public Realm (Public Space / Private Space)
  - D6 Townscape and Landscape
  - D7 Scale-Height
  - D8 Scale-Massing
  - D9 Appearance
  - D10 Community Safety (Part I)

#### National Policy

- 4.3 National Planning Policy Framework

### **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 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 One petition letter received with 20 signatures and one objection letter raising the following concerns:
- The proposed development would detract from the character and appearance of the traditional aspect of the building.
  - Wergs Road at present, is a very attractive 'Gateway' to the city, the proposal would detract from the character of the street scene.
  - Noise level

### **7. Internal consultees**

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

### **8. Legal Implications**

- 8.1 General legal implications are set out at the beginning of the Schedule of planning applications.

- 8.2 Under section 198 (1) of the Town and Country Planning Act 1990 if the Council, as the local planning authority, consider it to be expedient in the interests of amenity to make provision for the preservation of trees, it may make a Tree Preservation Order. A Tree Preservation Order may prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the Council. LMC/04/052012/1

## **9. Appraisal**

- 9.1 The key issues are: -

- Effect of the proposal on the character and appearance of the existing building and street scene
- Residential amenity

### **Effect of the proposal on the character and appearance of the existing building and street scene**

- 9.2 In comparison to the scale and character of the building, the proposed development would appear as a subservient structure, light in appearance, located within a very open patio area. Therefore, the appearance of the proposed jumbrella and its setting in front of the public house would not be detrimental to the appearance of the building or the area.

- 9.3 The proposed cover material has not been submitted but this can be dealt by condition.

### **Residential amenity**

- 9.4 In terms of residential amenity, it is not considered that the installation of the proposed jumbrella would detrimental to neighbour amenity in terms of noise and disturbance. The sitting of the proposed development would be to the front of the site facing a classified highway within a very large patio area with mature trees.

- 9.5 It is considered that, although the proposal would encourage the gathering of people in this area, the use of this patio area is already permitted and therefore the introduction of a jumbrella would not excessively increase the level of noise and disturbance.

## **10. Conclusion**

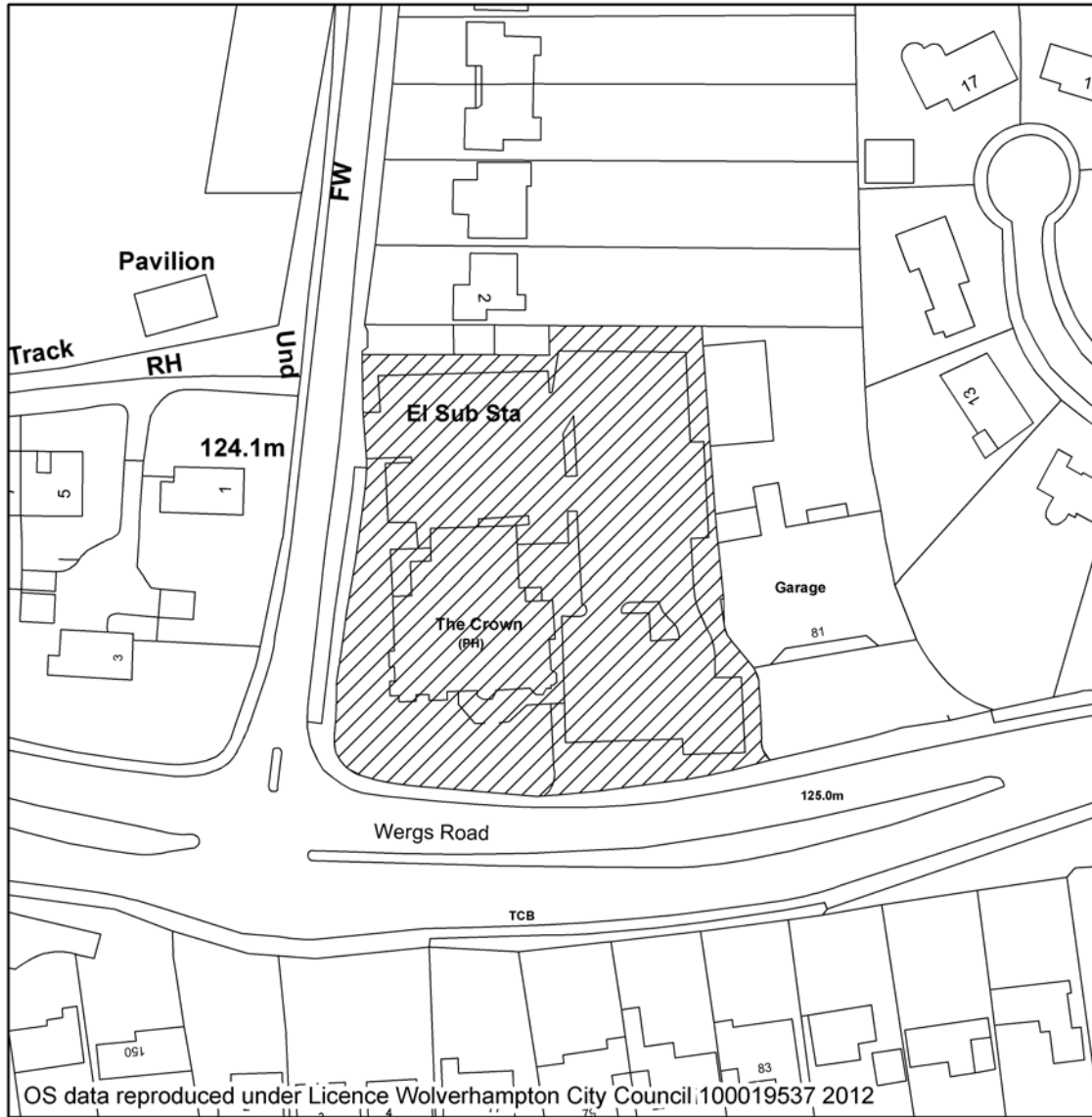
- 10.1 By virtue of its scale, position and appearance, the proposed jumbrella would not have a detrimental effect on the character and appearance of the existing building and street scene. The proposal is in accordance with local and national planning policies.

**11. Recommendation**

11.1 That Planning Application 12/00393/FUL be granted subject to the following condition:

- Materials

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



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**Planning Application No: 12/00393/FUL**

Location	The Crown Public House, Wergs Road, Wolverhampton, WV6 9BP		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387113 300980
Plan Printed	10.05.2012	Application Site Area	4746m <sup>2</sup>



## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 11/00962/FUL

**WARD:**

Tettenhall Wightwick

**RECEIVED:** 04.10.2011

**APP TYPE:** Full Application

**SITE:** Lidl, Finchfield Hill, Wolverhampton

**PROPOSAL:** Single storey extension to Lidl and demolition of dwelling number 42 Finchfield Hill

**APPLICANT:**

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

**AGENT:**

### COMMITTEE REPORT:

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

- 1.1 The application site 42 Finchfield Hill (originally built as Fern Place) is located in a prominent position at the junction of Finchfield Hill, Oak Hill and Finchfield Road West. Opposite the front of the site (east) lie two parades of shops with flats above, this is the local centre of Finchfield. To the rear (West) and north of the site lie residential dwellings, to the South lies the existing Lidl foodstore which was constructed in 2009.
- 1.2 The dwelling has been vacant and boarded up since 2008 when Lidl purchased the site in order to incorporate the domestic garage of the dwelling into the proposed food store site. The dwelling is a mid to late nineteenth century house and was one of the earlier buildings, along with the Church of St Thomas and a scatter of other houses in Finchfield Hill, forming part of the settlement of Finchfield. There are two mature trees in the back garden of the dwelling.

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

- 2.1 The application proposal is for the demolition of the dwelling and replacement with an extension to the existing Lidl foodstore. The proposal is for a 261sqm extension to create an additional 195sqm sales floorspace and a 66 sqm addition to the warehouse to the existing 1,113 sqm (gia), (790 sqm net) Lidl Store.
- 2.2 The proposed extension would be attached to the side of the existing foodstore, it would be 10.3 m wide and 25m deep. The internal floor level would continue through at the same level as the existing store. The proposed height of the building to its ridge would be 7.5 metres which would fall away to the front and

rear to 6.5 Metres. This would be slightly lower than the overall ridge height of the existing dwelling which rises eight metres. The proposed extension would be mainly in red facing brickwork with an area of horizontal western red cedar cladding. The extension would be designed to match the existing building.

- 2.3 The proposal would include a block paved frontage with an addition tree, bounded by a brick wall and railings to the street frontage to match the existing. Two mature trees would be removed from the existing rear garden to accommodate the new building. These would be replaced by two new trees and landscaping to the rear and extending along the side of the new building.
- 2.4 The proposal includes the provision of two additional parking spaces along the side boundary adjacent to the former St. Thomas' Church and adjacent to the main entrance to the site.

### **3. Planning History**

- 3.1 07/00446/FUL for Neighbourhood foodstore and car parking, Refused, 31.10.2007.
- 3.2 08/00371/FUL for Neighbourhood foodstore and car parking, Granted, 15.08.2008.
- 3.3 08/00998/ADV for Erection of 1No. 6m high flagpole with 2.5m internally illuminated logo, 1 No. 2.5m internally illuminated logo fascia sign and 3No. 1.95m internally illuminated logo fascia signs granted 24.10.2008.
- 3.4 08/01364/FUL for Neighbourhood foodstore and car parking. Revised application to retain the development as constructed, 830mm higher at the front and 650mm at the rear than approved under application 08/00371/FUL]. Granted, 25.03.2009.
- 3.5 09/00267/VV for Variation of condition to previously approved application 08/01364/FUL to change opening times from 8.00am - 8.00pm Monday to Saturday and 10.00am - 4.00pm on Bank Holidays to Monday to Saturday and Bank Holidays 8.00am - 9.00pm. Refused, 24.06.2009.
- 3.6 09/00309/ADV for One x 5 metre flagpole with 1.45 metre internally illuminated logo. Refused, 28.05.2009.
- 3.7 10/01079/VV for Variation of condition 22 of planning permission 08/01364/FUL to change hours of access for deliveries and collection of goods and refuse on Monday to Friday from 08.00 hours - 20.00 hours to 07.00 hours 20.00. Refused, 08.12.2010.

### **4. Relevant Policies**

#### The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan

AM12 – Parking and Servicing Provision

AM15 – Road Safety and personal Security  
D2 – Design Statement  
D4 - Urban Grain  
D5 – Public Realm (public space/ private space)  
D6 – Townscape and Landscape  
D7 Scale – Height  
D8 Scale – Massing  
D9 – Appearance  
D13 – Sustainable Development (Natural resources and Energy Use)  
HE 1 – Preservation of Local Character and Distinctiveness (Part 1)  
N1 – Promotion of Nature Conservation (Part 1)  
N7 – The Urban Forest  
N9 – Protection of Wildlife Species  
B1 – Economic Prosperity (Part 1)  
SH 4 – Integration of Development into Centres  
SH 13 – New Retail Development Foodstores

#### 4.2 Black Country Core Strategy (BCCS).

ENV 1 – Nature Conservation  
ENV 2 – Historic Character and Local Distinctiveness  
ENV 3 – Design Quality  
CEN 1 –The Importance of the Black Country Centres for the Regeneration Strategy  
CEN 2- Hierarchy of Centres  
CEN 5 – District and Local Centres  
CEN 7 – Controlling Out - of - Centre Development

#### 4.3 Other relevant policies

National Planning Policy Framework (March 2012)

#### 4.4 The Conservation of Habitats and Species Regulations 2010

### 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. (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 20 individual representations have been received, 18 in objection to the proposals and two in support, the reasons for objection include:

- Loss of large attractive Victorian dwelling
- Impact of 20ft high brick wall
- Additional security lights (light pollution)
- Danger to pedestrian safety
- Should be affordable housing
- Density too high
- Detrimental to residential amenity
- Growth of business
- Increase in traffic
- Increased use of substandard junction
- No demand for development
- Noise disturbance
- Not required
- Nuisance from construction traffic
- Unacceptable visual impact
- Inappropriate site for proposed development
- Late night/early morning activity
- Litter
- Loss of existing building
- Overdevelopment of site
- Undesirable precedent
- Contrary to development plan
- Contrary to policy
- Lead to decline of other local shops
- Dominate skyline
- Access road unable to cope with traffic
- Building too high
- Danger to school children
- Inadequate parking provision
- Inappropriate materials
- Loss of daylight
- Loss of privacy
- Loss of sunlight
- Out of character
- Out of scale
- Overlooking
- Overshadowing
- Previous objection still relevant
- Proximity of building to site boundaries
- Height inappropriate

The two letters of support list the following:

- The derelict house is an eyesore
- The house is a potential danger to youngsters
- The creation of Lidl store provides benefits in having a useful facility close at hand, provided it is built sympathetically to fit in with the present situation and building.

6.2 Prior to submission of the application Lidl held two public consultation days at the Finchfield store, where customers were informed of the proposals. At this

time the customers were offered the opportunity to sign a petition stating whether they were for or against the proposals. On the consultation day held on 22 September 2011, 149 signatures were received, 143 were in favour of the proposals, 3 against and 3 undecided. On the second consultation day held on 19 October 2011, 143 signatures were received. 136 were in favour of the proposals and 7 were against.

## **7. Internal Consultees**

- 7.1 **Historic Environment** – The proposal involves the demolition of a mid to late nineteenth century house originally built as Fern Place. This was one of the earlier buildings, along with the Church of St Thomas and a scatter of other houses in Finchfield Hill, forming part of the settlement of Finchfield and as such can be regarded as a heritage asset. The loss of the building located as it is at the junction of Finchfield Hill, Finchfield Road and Oak Hill, will be unfortunate and detrimental to the character and local distinctiveness of this part of the city. The proposed replacement extension does not compensate for the loss in terms of its design and contribution to the street scene.
- 7.2 **Planning Policy** – The application is for a 261sqm extension to create an additional 195sqm sales floorspace to the 1,113sqm (gia) (790 sqm net) Lidl store, Finchfield. The store occupies an edge-of-centre location and needs to be considered in terms of the development plan – saved UDP policies and the Black Country Core Strategy (BCCS) – and any material considerations, particularly the recently published NPPF (March 2012).

### **Sequential Test**

- 7.2.1 Whilst the applicant suggests that the proposal should be regarded as occupying an in-centre location, the proposal is regarded as occupying an edge-of-centre location (NPPF Annex 2) saved UDP Policy SH4). Centre boundaries were raised as an issue as part of the BCCS examination in 2010.
- 7.2.2 The importance of convenience shopping in serving Local Centres is emphasised and supported in the BCCS (e.g. Policies CEN1,2 and 5). The current Lidl store is regarded as performing an important and close relationship with Finchfield Local Centre, as indicated in the Black Country Centres Study (November 2009).
- 7.2.3 The proposed extension is to create a size of store more representative of a standard Lidl store to assist with operational requirements, and therefore the proposal is regarded as relating specifically to this store at this location. Consequently, for the purposes of applying the sequential approach, it is reasonable for the extension to be considered in terms of forming part of a larger store to serve Finchfield Local Centre. There are not considered to be any sequentially preferable opportunities within Finchfield Local Centre to accommodate this proposal.

### **Impact Tests**

- 7.2.4 The relevant impact tests to refer to are contained in paragraph 26 of NPPF and are consistent with BCCS Policy CEN 5 In terms of town centre vitality and viability.

- 7.2.5 In terms of the NPPF impact tests, there are no adverse impacts in terms of public and private investment. A health check of Finchfield Local Centre as part of the Black Country Centres Study (November 2009) identified Finchfield as performing well. The applicant, in paragraphs 7.8 - 7.9 of their supporting statement, suggests that the vitality and viability of Finchfield Local Centre is improving. The importance of convenience shopping in serving Local Centres is emphasised and supported in the BCCS (e.g. Policies CEN 2 and 5). The current Lidl store is regarded as performing an important and close relationship with Finchfield Local Centre. This role is likely to be consolidated and enhanced by the proposed extension.
- 7.2.6 City - wide, retail capacity is limited in the light of the recent resolutions to grant planning permission for three large foodstores to serve Wolverhampton City Centre. However, the implications of this on the impact of the proposed Lidl extension on Finchfield Local Centre is minimal, as the trade diversions from any future large foodstores will be focussed on existing large foodstores which are currently over-trading and deep-discount operators such as Lidl, occupy a niche market. The Black Country Core strategy supports convenience retailing to serve Local Centres (policies CEN1,2 and 5) and the Lidl store would have the potential to “ claw back“ retail expenditure within the catchment area of the Local Centre.
- 7.2.7 In terms of turnover, deep discounter operators have relatively lower sales densities compared with convenience stores and larger food stores. The applicant has indicated that the extension would create a size of store more representative of a standard Lidl store to assist with operational requirements. The applicant intends the extension to enhance the store’s circulation space and enable an increase in the quantity (and not the range) of goods sold. Consequently GVA, in their submissions in support of this application, do not feel it would be meaningful to try and estimate any possible increase in store turnover that could result from the proposal. Nevertheless, it is felt that the store is likely to secure some degree of uplift in turnover, but this is likely to be very low, and way below the notional potential turnover of £0.64m when modelling the extension in terms of the latest average sales density available to the Council (195sqm net x estimated average sales density of £3,300). As indicated above, due to: the niche market occupied by Lidl as a deep-discounter, the minimal likely uplift in turnover resulting from the extension (for the purposes of assessing retail impact) and the potential for linked trips with the Local Centre due to the store’s location, any impact of the proposal on convenience retailing within Finchfield Local Centre would not be significantly adverse. Therefore, in this instance, there is no clear evidence that this proposal would cause a significant adverse impact on the vitality and viability of Finchfield Local Centre.

#### Policy Conclusion

- 7.2.8 There are not considered to be any significantly adverse impacts, individually or cumulatively, in terms of the NPPF impact tests. Therefore, there are no planning policy objections to this proposal.
- 7.2.9 It is recommended that, if approved, relevant planning conditions from the previous consent are re-issued, and the following planning conditions are included to clearly define the permission and protect the vitality and viability of

Finchfield Local Centre, which relate to the whole store following the extension. This is consistent with NPPF paragraph 206 and BCCS Policy CEN7.

- Maximum gross floorspace of 1,311 (gia)
- Maximum net retail sales area of 985 sqm
- Maximum floorspace used for the display and sale of comparison goods 197sqm

These figures are those quoted in the table in paragraph 3.16 of GVA's Retail Statement.

### 7.3 Transportation Development

#### Site location/ Accessibility

- 7.3.1 The site is accessed from a dedicated arm of a mini roundabout at the junction of Finchfield Hill, Finchfield Road west and Oak Hill. Whilst there are good peak hour bus services at this location, the site would not be classified as highly accessible due to the frequency of the services – especially in the evenings and Sundays.

#### Site Access/Visibility

- 7.3.2 The injury accident records at this location do not show any items at this location since the store opened. Acceptable visibility splays were achieved as part of the S278 external works. During a site visit, it was noted that a significant number of vehicles entering the site struck the left hand kerb even when there were no opposing vehicles – this suggests that the alignment of the access road is not satisfactory.

#### Parking Issues

- 7.3.3 As the proposed extension would represent a 24% increase in gross floor area and a 25% increase in sales area the suitability of the parking provision is the most important item in transportation terms. The existing site has a total of 65 car spaces (including 4 disability bays and 4 parent and child spaces) plus 2 motor cycle spaces. During processing the application, the applicants have amended the scheme to include two additional parking spaces, taking the total number of parking spaces to 67. The submitted Transport Statement includes an hourly parking count that recorded the following maximum accumulations:

Friday 30 <sup>th</sup> September	12.00 noon	46 bays occupied (71%)
Saturday 1 <sup>st</sup> October	11.00am	56 bays occupied (86%)

With Lidl's permission the transportation officer carried out a more detailed survey of the busiest Friday hour identified in the previous survey:

Time periods	Trips in	Trips out	Sum	Accumulation
				42 bays at 12.00
12.00 – 12.05	6	11	-5	37
12.05 – 12.10	7	11	-4	33
12.10 – 12.15	14	4	10	43
12.15 – 12.20	11	7	4	47
12.20 – 12.25	12	5	7	54
12.25 – 12.30	6	9	-3	51
12.30 - 12.35	9	13	-4	47
12.35 - 12.40	10	8	2	49
12.40 - 12.45	8	5	3	52
12.45 – 12.50	9	5	4	56
12.50 - 12.55	11	12	-1	55
12.55 - 13.00	11	16	-5	50
	114	106	+8	

Survey carried out Friday 11th November 2011

The above survey indicates that the accumulations fluctuate more than suggested by the hourly survey and on this occasion gave higher accumulations, with between 33 and 56 bays occupied during the hour. If the Saturday accumulations follow a similar pattern this suggests that the car park would already be at, or very close to capacity.

The survey also highlights that the existing site generates a surprisingly high number of vehicle trips – **a total of 220 two way vehicle trips in the hour**. The survey results conflict with the TRICS figures presented in the Transport Statement for the existing store at the same hour (46 arrivals, 49 departures, total trips 95). It is accepted that the TRICS figures are for a typical weekday and Friday figures are bound to be higher. However, the survey figures are also much higher than the estimated Saturday figures (peak hour, 142 trips) and the estimated post extension Saturday figures (peak hour 182 trips). These figures indicate that the store is already generating far more vehicle movements than most stores of this classification in the TRICS database, including considerably larger stores, which makes predictions on future traffic using TRICS unsafe.

Whilst it is accepted that the enlarged store would not necessarily lead to a pro rata increase in customer numbers, it is considered that a 25% larger store would increase the average duration of customer visits as well as overall numbers. Both of these factors are likely to lead to an increase in car park accumulations.

#### Parking Layout

- 7.3.4 The long narrow layout of the car park is far from ideal for a busy store as there is no circulation pattern. The bays to the west of the site, furthest from the store entrance, are generally unpopular with customers who will wait in their vehicles until a more convenient space becomes available. The scheme layout plan annotates the furthest bays (numbers 30 and 31) as “staff parking” spaces, but this does not appear to be followed as both bays are often vacant. Drivers also have the habit of collecting their vehicle and picking up their partners



outside the store entrance. The combination of these factors leads to unnecessary congestion on the access/egress road and delays in turnover of parking bays. It is usually accepted that even well designed car parks with good circulation patterns decrease in efficiency once the capacity exceeds 85% as drivers find it harder to spot available spaces. As 85% relates to an accumulation of 55 spaces (assuming that disability and parent and child spaces have average utilisation) it is clear that the car park is already at or above optimum efficiency level for busy periods on Fridays and Saturdays. Therefore store expansion is likely to increase the periods of time that the car park would be operating at or near capacity with decreased efficiency and increased risk to pedestrians.

#### Effect on the Highway

- 7.3.5 The Traffic Survey concludes that any increase in traffic on any particular highway would be negligible and far below the normal variations in flow. This is clearly based on an estimated level of vehicle of vehicle trips from TRICS which is unrepresentative for this particular store. However, as long as vehicles can enter the store car park without difficulty, the capacity of the junction should be sufficient to allow the likely increase in customer numbers. The main concern is that an increase in customer numbers/duration of stay could lead to queuing on the access road and onto the traffic junction at busy periods. This would affect the flow on adjoining highways and decrease vehicular/pedestrian safety in the vicinity of the junction.

#### Sustainability

- 7.3.6 The store already has an adequate number of cycle spaces though these appeared to be under utilised during site visits. The proposed number of full time equivalent staff would not trigger the requirement for a Workplace Travel Plan.

#### Servicing

- 7.3.7 According to the application details the proposed store would be serviced by one HGV per day, as per the existing store.

#### Submission of additional supporting information

- 7.3.8 During processing of the application, Lidl submitted additional information giving details of existing Lidl stores with a sales area greater than 985sqm and with less than 70 parking spaces. If this application was for an entirely new store and a survey of the existing parking demand at Finchfield had not been witnessed then these details would be acceptable as guidance for parking provision. However, this is an existing store with an existing parking demand that is higher than suggested by the national TRICS database. The demographics of the Finchfield area are clearly in favour of a value store at this location and there is the real possibility that an enlarged store would continue to trade at a higher level than the floor area or the TRICS database would suggest. UDP Policy AM12 states that “developments will be required to meet their own transport needs with no detriment to pedestrian safety and the safe and free flow of road traffic”.

Lidl and their transport consultants have stated that there would be no increase in stock lines, however, this could be changed by a future management level decision at Lidl (or a different occupier). This issue could not reasonably be conditioned.

The proposed two additional car parking spaces (new total 67) whilst welcomed, these spaces would be in the most popular parking area (close to the store main entrance) and would be closer to the adopted highway which would increase vehicle manoeuvres on the store access road which is not ideal.

- 7.4 **Environmental Services** – On the understanding that there is no plant or equipment associated with this application, or any openings/louvers associated with the same, there are no adverse comments. There are residential premises in close proximity to the site. In order to limit the potential for complaint, the following is recommended:

Operational hours, including commercial vehicle movements to or from the site are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday and at no time on Sundays or Bank and Public Holidays.

- 7.5 **Private Sector Housing Team** - The dwelling, 42 Finchfield Hill is in the process of being compulsory purchased by the council in order to return the property to use as residential accommodation. In agreement with the Department for Communities, the CPO process has been suspended until a decision has been made on this application. Lidl have objected to the Order on the basis that they wish to extend their store at the site.

- 7.6 **Tree Officer** –The two trees which are indicated to be removed to the rear of the site are of limited amenity value, therefore do not merit inclusion in a Tree Preservation Order. The proposed compensatory tree and shrub planting is completely satisfactory. If planning permission is granted, consent should be conditional upon implementation of the landscaping detailed in the submitted drawing.

- 7.7 **Legal** – The Council's legal officer has made comment in respect of the ecological issues particularly in respect of the possibility of the presence of bats at the dwelling. All the requisite surveys recommended by the Council's ecologist have not yet been carried out and because these have not been carried out , the mitigation strategy put forward by the applicant is only a best estimate of both what may be found and how it could be appropriately dealt with.

- 7.7.1 The starting point in consideration of these matters is that 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 under Regulation 9 to have regard to the Habitats Directive 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 a decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.

- 7.7.2 In this case there is a need to fully understand rather than speculate on what is there and consider how it will be affected if planning permission were granted.

Apart from failing to properly engage with the Directive and potentially not having proper regard to all material considerations in the planning decision the obvious danger in not doing this in advance (i.e. conditioning surveys and mitigation) is that something could be found other than what was expected and theoretically it is possible that it would not be possible to mitigate or move it. In those circumstances the Council should not have granted permission at all.

7.7.3 Consequently, the safest position is to require that the phase 2 surveys are completed and actual mitigation strategy agreed, in that way the Directive will have properly been engaged and all material considerations in relation to protected species can properly be taken into account when the planning decision is made. The risks of not doing this is that the decision could be challenged and quashed for either failure to properly engage with the Directive or on the basis that the planning decision was flawed as all material considerations were not properly had regard to.

7.8 **Ecology** – The disused dwelling, 42 Finchfield Hill has a large roof space and is the type of property which may attract bats to roost.

It is acknowledged that the applicant has suggested a mitigation strategy for any bats that might be present in the existing house and is willing to implement this strategy. However internal legal advice has indicated that a dawn and dusk survey should not be conditioned and that this must be carried out before the local planning authority can consider granting planning consent for the proposed development. It is also to be noted that if a large maternity roost is found in the house to be demolished, that an off site mitigation would be required and that this may require the agreement of a third party landowner such as this Council.

## 8. **Legal Implications**

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

## 9. **Appraisal**

9.1 The key issues are: -

- Loss of Heritage asset, Character and appearance
- Design, Scale and setting in the Street scene
- Impact on neighbours
- Retail Impact
- Car parking provision and highway Safety
- Ecological considerations

### Loss of Heritage asset, Character and appearance

9.2 The proposal involves the demolition of 42 Finchfield Hill, a mid to late nineteenth century house originally built as Fern Place. This was one of the earlier buildings, along with the Church of St Thomas and a scatter of other houses in Finchfield Hill, forming part of the settlement of Finchfield and as such can be regarded as a heritage asset. The loss of the building located as it

is at the junction of Finchfield Hill, Finchfield Road and Oak Hill, will be unfortunate and detrimental to the character and local distinctiveness of this part of the city. The proposed replacement extension would not compensate for the loss in terms of its design and contribution to the street scene. For these reasons the proposed demolition and redevelopment would be contrary to BCCS- ENV 2 – Historic Character and Local distinctiveness.

#### Design, Scale and setting in the street scene

- 9.3 The proposed extension of the store would be on land currently occupied by 42 Finchfield Hill. The currently un-used dwelling sits in a prominent location near the top of Finchfield Hill and forms part of the wider residential Street scene to the north. The dwelling, whilst having substantial proportions is set with gaps to either side. The proposed store extension would be slightly lower in height than the dwelling, however, because it would be connected to the existing store, the existing gap in the street scene would be lost, so adding to the elongation of the already relatively large format store in a street scene of a generally much finer grain. Whilst the proposal would utilise materials to match that of the existing store, (red facing brick with horizontal timber cladding and a standing seam metal roof), it would be a blank façade with no windows and offer poor fenestration to this main road frontage, contrary to BCCS – ENV2 and UDP Policies D4: Urban Grain, D5 Public Realm, D6: Townscape and Landscape and D9: Appearance.

#### Impact on Neighbours

- 9.4 The proposed store extension would have immediate boundaries with two residential dwellings, 40 Finchfield Hill and 7 The Terrace. Assessing the impact of the proposals on 40 Finchfield Hill, the existing adjacent dwelling No.42 has two story elements projecting along the boundary with No.40 of approximately 17 metres. The proposed store extension rising to 8 metres would project rearwards by a total length of 25 metres, the full length of the rear garden of No.40. This proposed unrelieved mass of brickwork adjacent to this residential boundary, would have a severe overbearing impact and being located to the south of the dwelling, would have an unacceptable overshadowing impact leading to a loss of sunlight and daylight to this property and provide a significant level of enclosure on the south side, which would be significantly detrimental to the amenities of the occupiers of No. 40 Finchfield Hill. Assessing the impact on No. 7 The Terrace, this dwelling is set at a lower level ( approximately 1 metre) than the application site and the boundary is marked by two trees which would be removed and replaced with new landscaping as part of the proposed development. The proposed new building at 6.5 metres in height would be positioned within 1.5 metres of the rear boundary of this dwelling. In consideration of the proposed position,height of the building and change in levels, the proposed building would have a significantly unacceptable overbearing impact upon the back garden and the dwelling and lead to a loss of morning sunlight to the property. This impact would be detrimental to the amenities of the residents of this dwelling and the proposed development would be contrary to BCCS ENV2 and UDP policies D7- Scale – Height and D8 Scale – Massing.

#### Retail Impact

- 9.5 The retail impact of the proposed extension to the store has been considered in respect of Sequential and Impact Tests and in relation to the new NPPF (National Planning Policy Framework) and there are not considered to be any

significantly adverse impacts, individually or cumulatively. Therefore, there are no planning policy objections to this proposal.

#### Car Parking provision and Highway Safety

9.6 The Transportation considerations are detailed at paragraphs 7.31 – 7.38 of this report. The main conclusions are:

- As the proposed extension would represent a 24% increase in gross floor area and a 25% increase in sales area the suitability of the parking provision is the most important item in transportation terms.
- The existing car park layout is poor in circulation terms due to layout constraints which would be exacerbated by intensification.
- The traffic survey undertaken at the site reveals that vehicle trips to this site are much higher than stores of a similar type and size listed in the TRICS database.
- Larger numbers of customers and longer durations of stay, plus a car park above its efficiency threshold could lead to queues on the access road affecting the traffic junction at busy periods.
- The applicant's predictions regarding traffic generation for a future store are not acceptable because of the disparity in existing trip generation figures.
- There is inadequate evidence that the two additional parking spaces proposed would be sufficient to mitigate for the proposed enlargement of the store.

For the above reasons the proposed development would be contrary to UDP Policy AM 12 – Parking and Servicing Provision, which states that “developments will be required to meet their own transport needs with no detriment to pedestrian safety and the safe and free flow of traffic”.

#### Ecology

9.7 Whilst the applicant has submitted a mitigation strategy for any bats that might be present in the existing house and is willing to implement this strategy, the application does not include an appropriate dawn and dusk bat survey which must be carried out before the local planning authority can consider granting planning permission for the proposed development.

### **10. Conclusions**

10.1 The proposed demolition of 42 Finchfield Hill (Fern Place) would be detrimental to the character and local distinctiveness of this part of the city. The proposed replacement store extension would not compensate for the loss in terms of its design and contribution to the street scene. For these reasons the proposed demolition and redevelopment would be contrary to BCCS- ENV 2, UDP Policies HE1: Preservation of Local Character and Distinctiveness, D4: Urban Grain, D5: Public Realm, D6: Townscape and Landscape and D9: Appearance.

10.2 The proposed development would have significant adverse impacts on neighbouring residential properties particularly No. 7 The Terrace and No. 40 Finchfield Hill, by reason of overbearing and unneighbourly impacts and loss of

sunlight and daylight. Contrary to BCCS- ENV 2, and UDP policies D7: – Scale- Height and D8: Scale - Massing

- 10.3 In respect of retail policy, the proposed extension would comply with the provisions of the NPPF and UDP policies.
- 10.4 The Proposed development is likely to lead to inadequate parking provision due to the intensification of the use, the poor car park layout and circulation which is likely to lead to queues developing on the access road affecting the traffic junction at busy periods. This would be detrimental to the free flow of traffic and highway safety. Contrary to UDP policy AM12 – Parking and Servicing Provision.
- 10.5 The applicants have not provided a required dawn and dusk bat survey which would be required in relation to the demolition of the dwelling. The proposal is therefore contrary to UDP Policy N9.

## **11. Recommendation**

- 11.1 That Planning Application 11/000962/FUL be refused, for the following reasons:
- (i). The proposed demolition of the dwelling 42 Finchfield Hill (Fern Place), a heritage asset and replacement with the food store extension would be unacceptably detrimental to the street scene and character of the area contrary to BCCS – ENV 2, UDP Policies HE1: Preservation of Local Character and Distinctiveness, D4: Urban Grain, D5: Public Realm, D6: Townscape and Landscape and D9: Appearance.
  - (ii). The proposed development would have significant adverse impacts on neighbouring residential properties particularly No. 7 The Terrace and No. 40 Finchfield Hill, by reason of overbearing and un- neighbourly impacts and loss of sunlight and daylight. Contrary to BCCS- ENV 2, and UDP policies D7: – Scale- Height and D8: Scale – Massing.
  - (iii). The Proposed development is likely to lead to inadequate parking provision due to the intensification of the use, the poor car park layout and circulation which is likely to lead to queues developing on the access road affecting the traffic junction at busy periods. This would be detrimental to the free flow of traffic and highway safety. Contrary to UDP policy AM12 – Parking and Servicing Provision.
  - (iv). The application does not include a dawn and dusk bat survey which would be required in relation to the demolition of the dwelling. The proposal is therefore contrary to UDP Policy N9.

**Case Officer : Mr Martyn Gregory**  
**Telephone No : 01902 551125**  
**Head of Planning – Stephen Alexander**



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**Planning Application No: 11/00962/FUL**

Location	Lidl, Finchfield Hill, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 388408 298132
Plan Printed	10.05.2012	Application Site Area	5160m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00429/LBC

**WARD:** Penn

**RECEIVED:** 11.04.2012

**APP TYPE:** Listed Building Consent

**SITE:** Penn Hall Special School, Vicarage Road, Penn, Wolverhampton

**PROPOSAL:** Proposed refurbishment works to the interior of Penn Hall (Grade II\* Listed Building) at Penn Hall Special School, for the upgrading, co-ordination and rationalisation of mechanical, electrical and IT services.

**APPLICANT:**  
Inspired Spaces Wolverhampton Ltd  
C/O Agent

**AGENT:**  
Graham J Parkes  
Tweedale Limited  
265 Tettenhall Road  
Wolverhampton  
WV6 0DE

### COMMITTEE REPORT:

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

1.1 The application site is the Grade II\* Listed Building known as Penn Hall. The building forms part of the Penn Hall Special School. The building dates from the late C17 with early to mid C18 additions. It is particularly noted for its fine interior features, which have contributed towards its grade II\* listing.

1.2 Penn Hall is situated on the south west edge of Wolverhampton, approximately 3 miles from the city centre. The site falls within the Vicarage Road (Penn) Conservation Area.

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

2.1 The application proposals are for internal works connected with the upgrading and refurbishment of the existing mechanical, electrical and IT services provision within the basement, ground, first and second floors of the building. The proposals require the installation of trunking within a series of rooms in the building.

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

3.1 No relevant planning history.

#### **4. Constraints**

Vicarage Rd (Penn) Conservation Area  
Listed Building Grade: II\*



## 5. **Relevant Policies**

### The Development Plan

#### 5.1 Wolverhampton's Unitary Development Plan

- HE14 Alterations and Extensions to a Listed Building

### Other relevant policies

#### 5.2 National Planning Policy Framework

#### 5.3 Black Country Core Strategy

- 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. (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**

**Property Services - Estates** – Comments awaited

**Historic Environment Team** – A set of principles to minimise both potential damage and visual intrusion of installing the services within the important rooms, has been discussed and agreed on site with Historic Environment. The principles include restricting vertical cable drops between floors to rooms where the interiors have little or no significance; making use of the basement to run cabling up into the important ground floor rooms and reusing existing trunking and cable routes to minimise the need for additional interventions in the historic fabric.

The agent acting on behalf of the school has agreed to submit a statement outlining the principles. The proposal to install the necessary services, which will keep the listed building in use, is acceptable in principle. It will be necessary to agree the precise details at a later date when the IT requirements; room layouts etc. have been finalised. Condition the submission and agreement of all cable runs and fixings prior to implementation.

## 9. External Consultees

**English Heritage** – No objections

**Wolverhampton Civic And Historical Society** - Comments awaited

## 10. Legal Implications

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

10.2 Particular legal implications text will be added by legal.

## 11. Appraisal

11.1 The key issues are: -

### Changes to the fabric of a Grade II\* Listed Building

11.2 The proposed internal changes are required to allow the use of the building for modern purposes. However these changes must preserve and where possible enhance the fabric of the heritage asset. The principle of installing the trunking is considered to be acceptable in that it will retain the heritage features within the listed building. With only minor alterations required. Exact details of the cable runs and fixings will be secured by condition to ensure that Historic Environment are consulted prior to the works taking place. The proposals are consistent with policy HE14 of the UDP and ENV3 of the Black Country Core Strategy.

## 12. Conclusion

12.1 The internal changes to Penn Hall are required to allow the continued use of the building in association with the Penn Hall Special School. The proposed changes are acceptable in that they retain the key internal features of the heritage asset. The proposals are therefore consistent and compliant with the development plan.

## 13. Recommendation

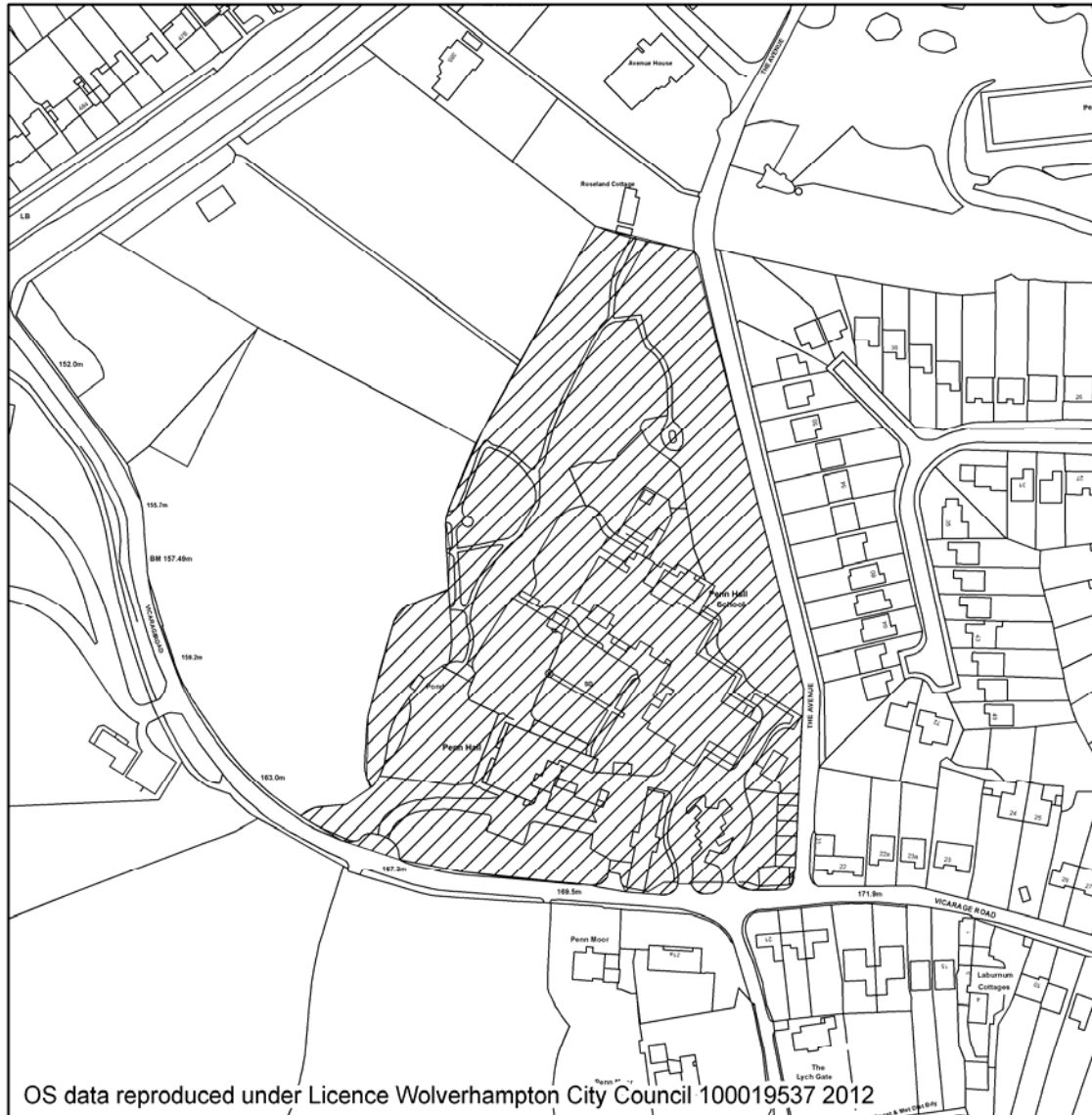
13.1 That listed building consent application 12/00429/LBC, be submitted to the Secretary of State with a recommendation for approval. Conditions to be included:

- Details of cable runs and fixings

**Case Officer : Mr Andy Carter**

**Telephone No : 01902 551132**

**Head of Planning – Stephen Alexander**



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**Planning Application No: 12/00429/LBC**

Location	Penn Hall Special School, Vicarage Road, Penn, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 389158 295434
Plan Printed	10.05.2012	Application Site Area	23551m <sup>2</sup>

## **PLANNING COMMITTEE - 22-May-12**

**APP NO:** 12/00181/TR **WARD:** Tettenhall Wightwick

**RECEIVED:** 20.02.2012

**APP TYPE:** Lop, Top or Fell Trees Subject to a TPO

**SITE:** Tettenhall College, College Road, Wolverhampton

**PROPOSAL:** 8 No. Sycamore trees: Fell

**APPLICANT:**

Mr S Williams  
Tettenhall College  
College Road  
Tettenhall  
Wolverhampton  
WV6 8QE

**AGENT:**

### COMMITTEE REPORT:

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

- 1.1 The self-set Sycamore trees which are the subject of this application are situated within a woodland area, adjacent to the Tennis Courts at Tettenhall College.

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

- 2.1 The application seeks permission to fell the eight Sycamore trees because as the trees mature, their canopies will increasingly interfere with the tennis court fencing. Compensatory planting of native species is proposed, more distant from the fence.

#### **3. Constraints**

- 3.1 Tettenhall Greens Conservation Area  
Tree Preservation Order -TPO Ref: 06/00214/TPO

#### **4. Publicity**

- 4.1 No representations received.

## **5. External Consultees**

- 5.1 Forestry Commission - a license to fell the trees has been granted, subject to compensatory planting. The applicant is liaising with the Commission with a view to accessing grant schemes to bring the woodlands into proper management.

## **6. Legal Implications**

- 6.1 The trees which are the subject of the application are situated within Woodland Area W5 of the Tettenhall Urban District No.2 1959 made on 23 March 1960.
- 6.2 S197 to S214 of the Town and Country Planning Act 1990 ( as amended), The Town and Country Planning (Trees) Regulations 1999 and the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 provide the statutory framework for dealing with Trees. Anyone proposing to cut down or carry out work on a tree(s) covered by a Tree Preservation Order may make an application for consent in accordance with Regulation 9A of the 1999 Regulations (as amended)
- 6.3 In addition, "Tree Preservation Orders: A Guide to Good Practice" and subsequent addendums provide guidance on Tree Preservation Orders and applications for consent under the Act. The guidance has the same status as a planning circular and thus should be afforded appropriate weight. The guidance states (as detailed in Chapter 6) that Local Planning Authorities in considering applications for consent should assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area. Having regard to these matters they should then determine whether or not the proposal is justified having regard to reasons put forward to support the proposal.
- 6.4 In assessing amenity local planning authorities are advised to approach this in a structured and consistent way and suggest three criteria should be considered namely (1) Visibility, (2) Individual Impact and (3) Wider Impact as described in paragraph 7.1 of this report.
- 6.5 In determining applications for consent in this case regard does not have to be had to the provisions of the development plan
- 6.6 Members are also advised to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions as this could give rise to a liability to pay compensation. In determining this application members may refuse consent, grant consent unconditionally or grant consent subject to such conditions as they think fit. Any conditions imposed must be clear and precise. In the event an application is refused clear reasons for refusal must be given and these should address each of the applicants reasons for making the application along with details of the applicants right of appeal and the applicants right to compensation for loss or damage suffered as a result of the Local Planning Authority's decision.
- 6.7 Notwithstanding that the trees are covered by the 1959 Tree Preservation Order notice of the intention to fell the trees would need to be given to the Council in any event as they are situated within the Tettenhall Greens

Conservation Area in accordance with S211 of the Town and Country Planning Act 1990. **KR/11052012/Z**

**7. Appraisal**

- 7.1 The removal of the eight trees would be scarcely discernible, from Wood Road, and so would have a relatively minor impact upon public amenity. Viewed from within the college grounds, the removal of the trees will be perceptible, but the proposed replacement planting would enhance the quality of the woodland in terms of species diversity and ecological value.

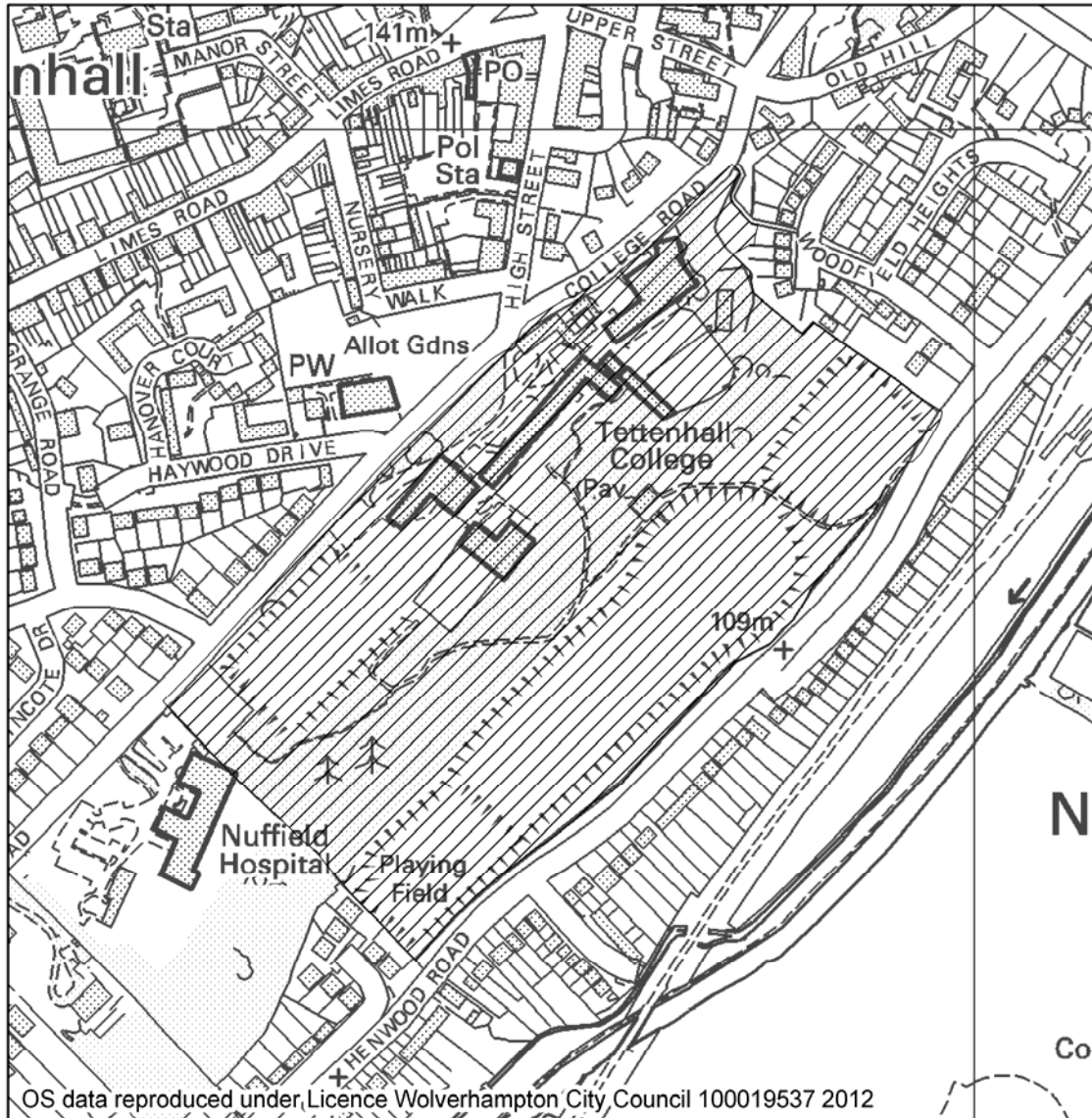
**8. Conclusion**

- 8.1 The felling of the trees and subsequent replacement tree planting is in accordance with good arboricultural and forestry practice.

**9. Recommendation**

- 8.1 That application 12/00181/TR be granted, subject to the following conditions:
- Tree felling works shall be undertaken in accordance with BS 3998: 'Tree Work Recommendations': 2010
  - Replacement planting shall consist of 7 of each: Hazel (60 – 90cm height), Field Maple, Bird Cherry and Oak (120 – 150cm height), and shall be maintained for a period of 10 years after planting.

**Case Officer : Ms Alison McCormick**  
**Telephone No : 01902 555640**  
**Head of Planning – Stephen Alexander**



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**Planning Application No: 12/00181/TR**

Location	Tetterhall College, College Road, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 388784 299886
Plan Printed	10.05.2012	Application Site Area	125873m <sup>2</sup>