

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 26th June 2012
Originating Service Group(s)	EDUCATION AND ENTERPRISE	
Contact Officer(s)	Stephen Alexander (Head of Planning)	
Telephone Number(s)	(01902) 555610	
Title/Subject Matter	PLANNING APPLICATIONS FOR DETERMINATION	

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 (26th June 2012)

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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 - 26-June-12

APP NO: 12/00217/FUL

WARD:

Tettenhall Regis

RECEIVED: 28.02.2012

APP TYPE: Full Application

SITE: 33 Cranmere Avenue, Wolverhampton. WV6 8TR

PROPOSAL: 2 Storey side and rear extension

APPLICANT:

Mr D Mander
33 Cranmere Avenue
Wolverhampton
WV6 8TR

AGENT:

Mr David Jones
DJ Building Design
10 Violet Croft
Tipton
DY4 0DB

COMMITTEE REPORT:

1. Site Description

- 1.1 The application property is a large detached dwelling set within an extensive plot, in an exclusively residential area. Cranmere Avenue is populated by a range of executive style houses of various types, sizes and designs. The properties are set behind generous landscaped front gardens, giving the area an open and spacious character.
- 1.2 The application property sits on an acute bend in the road, due to its location and the staggered position of the neighbouring properties there is no discernable building line at this location. The dwelling is a large five bedroom house which has had an unsympathetic sun room added to the rear at the first floor.

2. Application Details

- 2.1 The application proposes to extensively extend the property at both ground and first floor, to the front, side and rear.
- 2.2 To the front of the property the proposal is to project forward at ground floor to accommodate a garage extension, gym and a porch. The existing first floor has a projection of 1m, the proposal is to extend this laterally to increase space around the stairwell.
- 2.3 To the proposed ground floor rear extension will project approximately 4m beyond the existing rear elevation. At rear first floor the proposed extension will be inset approximately 3m adjacent to 35 Cranmere Avenue and then project out to be in line with the ground floor extension. The bedrooms at first floor will also have patio doors which will open out to a Juliet balcony.

- 2.4 The side extension at ground floor will project behind the existing garage to the same distance as the rear extension. At the first floor a small extension set back 8.5m from the front elevation is proposed to accommodate an on suite bathroom.

3. Planning History

- 3.1 There is no relevant planning history for this site.

4. Constraints

- TPO Ref: 06/00603/TPO

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D7 - Scale - Height

D8 - Scale - Massing

D9 - Appearance

Other relevant policies

- 5.2 NPPF – National Planning Policy Framework

- 5.3 Wolverhampton's Supplementary Documents
SPG No4 – Extension to Houses

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

6. Environmental Impact Assessment Regulations

- 6.1 "The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications)"
- 6.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

7. Publicity

7.1 Two objections were received in response to this application. The reasons for objection can be summarised as follows:

- The proposal is of poor design and Contrary to UDP Policies D4, D7, D8, D9 and BCCS Policy ENV3.
- The proposed extensions will fill the plot from boundary to boundary, adversely affecting the openness between the dwellings.
- The proposed development is out of scale with the existing house and will have an overbearing impact on neighbouring properties resulting in a loss of daylight into the gardens of No.s 31 and 35 Cranmere Avenue.

8. Internal Consultees

8.1 Tree Officers – No objection

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications. [LC/11062012/B]

10. Appraisal

10.1 Key issues:

- Design
- Neighbour Amenity

Design

10.2 The proposed extensions, although extensive are in keeping with the character of the original house. This location is populated by properties of varying designs and styles consequently there is no recognized house type. Therefore the appearance of the house once the extensions have been completed will not detract from the established character of the area.

10.3 The ridge heights of the first floor extensions will remain lower than that of the original house and appear subordinate to it. Due to the size of the original house and the size of the plot on which it sits the proposed extensions are considered to be of a suitable height, scale and massing for the property.

10.4 Due to the generous size of the front garden, its landscaping, including a mature deciduous tree, the view of the application property is partly obscured from the streetscene. Following negotiations with the applicant the first floor extension to the side elevation has been greatly reduced to protect the spacial nature between neighbouring properties. Consequently the proposed alterations to application property will not adversely affect the appearance of the streetscene or detract from the spatial character of the locality.

Neighbour Amenity

- 10.5 The application property is sited behind the two neighbouring properties at 31 and 35 Cranmere Avenue. Due to the application properties orientation within its plot, it sits obtusely to both properties. The proposed extensions have been designed to minimise their affect on neighbouring properties with the two storey element of the development mainly concentrated at the rear away from the neighbouring boundaries.
- 10.6 It is appreciated the occupiers of the neighbouring properties are of the opinion the extensions will have an overbearing affect on their properties and affect the amount of sunlight in their gardens. However, it is considered due to the distance between the two storey element of the proposal and the neighbouring boundaries and intervening shrubbery the proposal will not have an unacceptably adverse affect on neighbour amenity.

11. Conclusion

- 11.1 Although the proposed extensions are considerable, the application property is large and sits on a substantial plot which is capable of accommodating the proposed development. Due to the position of the application property and its orientation to the neighbouring properties the extensions will not have an unacceptably adverse affect on neighbouring properties. The proposal therefore complies with the relevant BCCS and UDP Polices.

12. Recommendation

- 12.1 That Planning application 12/00217/FUL be granted planning permission, subject to any appropriate planning conditions including the following:
- (i) Materials;
 - (ii) Restriction of windows to first floor side elevations;

Case Officer : Mr Colin Noakes
Telephone No : 01902 551124
Head of Planning – Stephen Alexander



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Planning Application No: 12/00217/FUL

Location	33 Cranmere Avenue, Wolverhampton, WV6 8TR		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387307 300608
Plan Printed	12.06.2012	Application Site Area	1763m ²

PLANNING COMMITTEE - 26-June-12

APP NO: 12/00531/VV

WARD:

Tettenhall Wightwick

RECEIVED: 14.05.2012

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

SITE: Woodville House, 10 Upper Green, Wolverhampton.

PROPOSAL: Application for variation of condition 3 of planning permission 10/00017/FUL. The hours of use restrict the cafe/restaurant to operate as follows: Monday to Friday 0900 to 2300hrs, Saturday 0900 to 2230hrs and Sunday 1000 to 1900hrs. Application is sought to vary the opening hours as follows: Monday to Friday 0900 to 0000hrs, Saturday 0900 to 0000hrs and Sunday 1000 to 2200 hrs, except Sunday prior to Bank Holiday Monday 1000 to 0000hrs.

APPLICANT:

Mr Paul Sadlier
Sadliers Restaurant
Woodville House
10 Upper Green
Wolverhampton
WV6 8QH

AGENT:

Mr Richard Taylor
ACP
Roma Parva
Second Floor
9 Waterloo Road
Wolverhampton
WV1 4NB

COMMITTEE REPORT:

1. Site Description

1.1 The application site is a café/restaurant, prominently located within the Tettenhall Village Centre, towards the entrance of the enclosed end of Upper Green. Woodville House is an attractive two storey building positioned directly against the back edge of the highway. The site is located within the Tettenhall Greens Conservation Area.

2. Application details

2.1 The application seeks planning permission to vary the permitted hours of use. The current hours of use are restricted to:

- Monday to Friday 0900 to 2300hrs
- Saturday 0900 to 2230hrs
- Sunday 1000 to 1900hrs

2.2 Planning permission is sought to increase the opening hours as follows:

- Monday to Friday 0900 to 0000hrs
- Saturday 0900 to 0000hrs
- Sunday 1000 to 2200 hrs, except Sunday prior to Bank Holiday Monday 1000 to 0000hrs.

3. Planning History

3.1 Relevant recent planning permissions follow:

3.2 10/00017/FUL for change of use from A1 (Shops) to A3 (Restaurants/Cafes).
Granted, 03.03.2010.

3.3 10/00764/VV for Application for variation of a condition following grant of planning permission 10/00017/FUL. The hours of use restrict the cafe/restaurant to operate as follows: Mon to Fri 0900 -1730hrs, Sat 0900 - 1700hrs and Sun 1000 -1430 hrs. Application is sought to vary the opening hours as follows: Mon to Fri 0900 - 2300hrs, Sat 0900 - 2230hrs and Sun 1000-1900 hrs. Granted, 10.09.2010.

4. Relevant Constraints

4.1 Conservation Area (Tettenhall Greens)
UDP: District Centre 3 - Tettenhall

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan
EP1 - Pollution Control
EP5 - Noise Pollution
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
SH14 - Catering Outlets

Other relevant policies

5.2 NPPF – 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 Three letters of support and seven letters of objection received. A summary of the reasons for objection follows:
- There is no need for this facility.
 - Proposals would provide incentive for others to open.
 - Noise and disturbance.
 - Increase in vehicular activity.
 - No parking.
 - Increase in litter and cooking smells.
 - The premises are not being used in their current permitted hours, therefore the effects of later opening cannot be determined.
 - 'Private parties' could be held later than the proposed hours of opening.

8. Internal Consultees

- 8.1 **Environmental Services** – No objections.

9. Legal Implications

- 9.1 The application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application "*for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted*". If the proposed condition is acceptable, in this case to extend the opening hours of the restaurant, permission should be granted with the new condition any conditions on the original permission and, in this case the previous permission to extend the hours, which remain relevant and any other conditions required that would make the proposal acceptable. KR/11062012/J

10. Appraisal

- 10.1 Key issues:
- Neighbour amenity
 - Parking

Neighbour amenity

- 10.2 The premises is already used as a café/restaurant at ground floor level, the application seeks only a limited extension to its hours of use. At first floor, is residential accommodation. This is the nearest living accommodation and is occupied by the owners of the café business.
- 10.3 The Food and Environmental Safety team raise no objection to the extension of hours of opening. It is considered that the later opening hours would not cause undue impact to neighbour amenity, subject to appropriate planning conditions as already imposed on the earlier consent. The proposals are in accordance with policies SH14, EP1 and EP5.

Parking

- 10.4 The site is located within Tettenhall Village Centre and therefore, there is no requirement for the applicant to provide off-street parking in this instance. A neighbour concern is that patrons would park vehicles outside the premises, however, there are parking restrictions along the length of the road and public parking located nearby. The proposals are in accordance with policies AM12 and SH14 and there would be no adverse impact on highway safety.

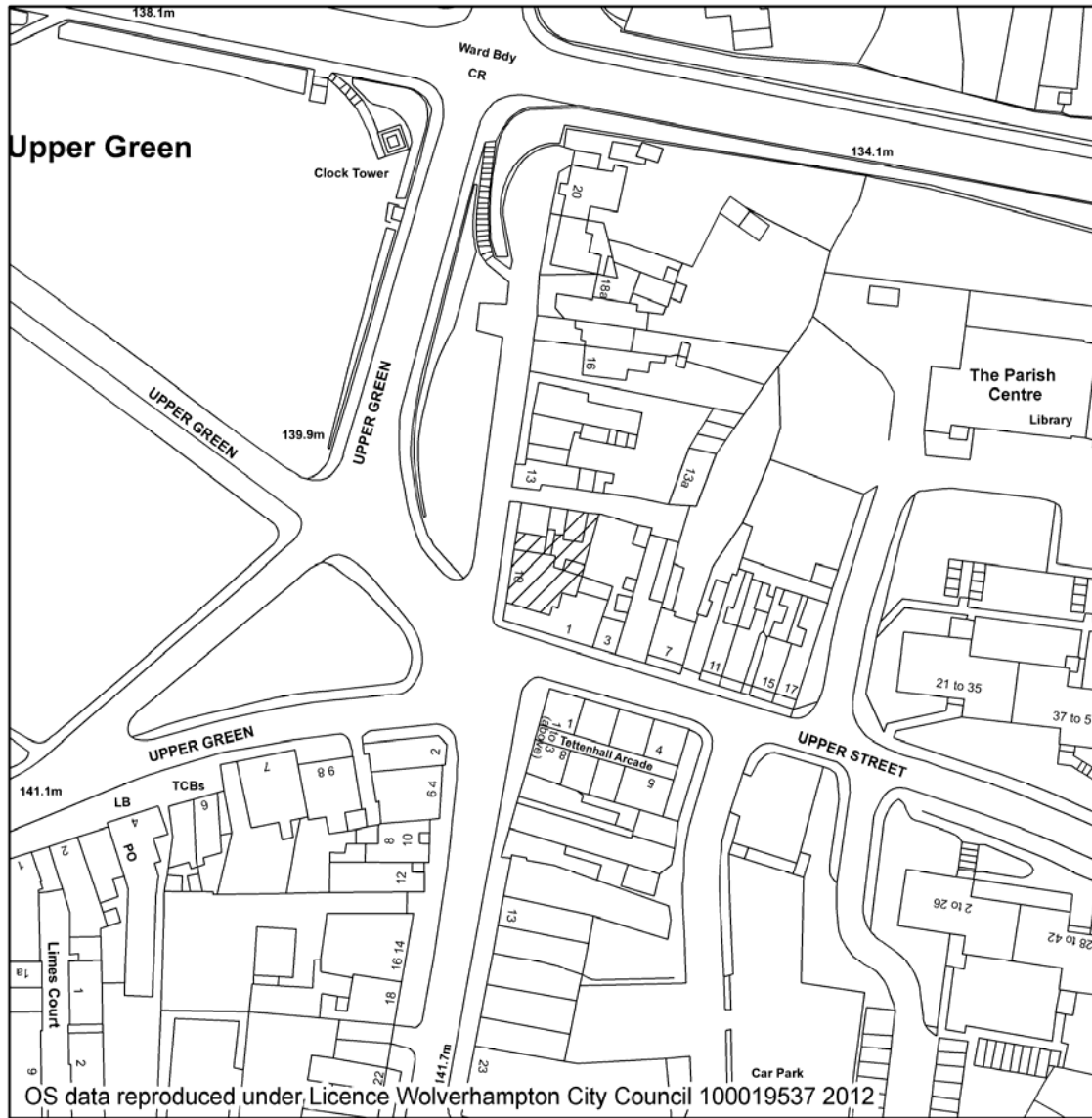
11. Conclusion

- 11.1 The proposed increase in hours of opening would not result in any undue adverse impact to neighbour amenity or highway safety. The proposals are in accordance with policies SH14, AM12, EP1 and EP5.

12. Recommendation

- 12.1 That Planning application 12/00531/VV be granted, subject to appropriate planning conditions including the following:
- (i) Hours of operation as now proposed
 - (ii) Refuse stored as already approved;
 - (iii) Cooking odours controlled as already approved.

Case Officer : Mr Andrew Johnson
Telephone No : 01902 551123
Head of Planning – Stephen Alexander



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Planning Application No: 12/00531/VV

Location	Woodville House, 10 Upper Green, Wolverhampton,		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 388728 300089
Plan Printed	12.06.2012	Application Site Area	166m ²

PLANNING COMMITTEE - 26-June-12

APP NO: 12/00448/FUL

WARD: Bilston North

RECEIVED: 18.04.2012

APP TYPE: Full Application

SITE: Land Adjacent To 41, Bulger Road, Wolverhampton,

PROPOSAL: Erection of three dwellings, each with three bedrooms.

APPLICANT:

Mr M Collings
PK Hygiene Services Ltd
Unit 20
Landport Road
Wolverhampton
WV2 2QJ

AGENT:

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

COMMITTEE REPORT:

1. Site Description

- 1.1 The existing site is situated within a predominantly residential area and comprises a vacant plot of land, formerly a garage court site. The access is off the turning head of Nelson Avenue. There is a grassed area to the south-west of the site which is open space for the residents of Bulger Road. Bilston cemetery is located immediately to the east of the site.
- 1.2 To the south of the application site is a row of terraced dwellings. The proposal includes retaining a pedestrian access to these dwellings from Nelson Avenue.
- 1.3 The grassed area of land situated to the north of the site and a strip of land immediately adjacent to the south-west of the application site is currently in the ownership of the Council. Part of this latter open space is to be included in the application site.

2. Application details

- 2.1 The application is for three dwellings, each with three bedrooms. The dwelling marked '1' would have an integral garage and the dwellings marked '2' and '3' would instead incorporate a car port. Each dwelling would also have a single parking space to the front of the house. The site will be accessed from Nelson Avenue.

3. Planning History

- 3.1 06/01016/FUL – planning application for two semi-detached dwellings. Granted. (this was on a smaller site than that now proposed).

- 3.2 11/01122/FUL – planning application for three terraced dwellings with car parking located on an adjacent piece of council owned grassed land. Application was refused by planning committee.

4. Constraints

- 4.1 Mining referral area

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D7 - Scale - Height

D9 – Appearance

D10 – Community Safety

AM1 - Access, Mobility and New Development

AM9 - Provision for Pedestrians

H6 - Design of Housing Development

N7 - The Urban Forest

EP9 – Sustainable Drainage Arrangements for Development

EP11 – Development on Contaminated or Unstable Land

Other relevant policies

- 5.2 National Planning Policy Framework (NPPF)

- 5.3 Wolverhampton's Supplementary Documents
SPG3 – Residential Development

- 5.4 Black Country Core Strategy
ENV1 – Design Quality
CSP4 – Place Making

6. Environmental Impact Assessment Regulations

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 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 A 20-signature petition and a single letter have been received against the proposal.
- 7.2 Objections have been made on the following planning grounds:
- (i) overdevelopment
 - (iv) unacceptable increase in traffic
 - (v) unacceptable impact on parking provision
 - (vi) established access across the site

8. Internal Consultees

8.1 Transportation – no objections

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

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

8.4 **Trees** – no objections

8.5 **Leisure** – The loss of this 122 sq m of open space will require a S106 to secure a Compensatory Loss of Open Space Contribution (sum yet to be finalised) to be paid prior to the loss of the small area of open space involved.

9. External Consultees

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

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

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/13062012/R

11. Appraisal

11.1 The key issues to consider are:

- Principle of Development
- Access
- Design/Street Scene
- Layout (including garden space and parking)

- Trees
- S106 obligations
- Coal mining risk assessment

Principle of Development

- 11.2 The application site is mostly a former garage site located within an existing residential area although a small area of grassed land in council ownership, is also include, in order to allow continued pedestrian access to the houses in Bulger Avenue. An earlier planning consent was granted in 2006 for a pair of semi-detached houses on a narrower site (i.e. excluding the strip of grassed land now included) than that which is now the subject of this application. The site is unkempt and has a history of anti-social behaviour.
- 11.3 Therefore, the proposal would comply with UDP policy H6 and BCCS policies ENV3 and CSP4 and the principle of the development at this location is acceptable.

Access

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

Design/Street Scene

- 11.5 The proposal is for three dwellings, each with three bedrooms. They would be located adjacent to the turning head at Nelson Avenue and relate to this street. The proposal comprises a single structure which will comprise a terrace of three dwellings. The building will be two storey, with a row of dormer windows, allowing for a third floor within the roof space. The height and massing of the scheme would respect that of the adjacent dwellings and those in the wider street scene. Therefore, the proposal would comply with the requirements of UDP policies D4, D6, D7, D8, D9 and BCCS policies ENV3 and CSP4.

Layout (including garden space and parking)

- 11.6 The rear elevation of the proposed building would be located approximately 12m from the nearest point of the adjacent dwelling at 41 Bulger Road. To the north-west the nearest dwelling is located approximately 23m away. This would comply with SPG3 'Residential Development', UDP policy H6 and BCCS policies ENV3 and CSP4 and minimise the impact on neighbour amenity.
- 11.7 Proposed dwelling '1' (adjacent to the boundary with Bilston Cemetery) would have a rear garden space of approximately 70.85m², dwelling '2' a rear garden space of approximately 58.86m² and dwelling '3' 58.86m². Therefore, this would comply with SPG3 'Residential Development', UDP policy H6 and BCCS policies ENV3 and CSP4.
- 11.8 The dwellings marked '2' and '3' would include an integral carport and the dwelling marked '1' would have an integral garage. Each dwelling would also have a single parking space provided to the front. Each house would also have an element of soft landscaping. The proposed parking arrangement would

provide suitable provision as the area, whilst not highly accessible due to the distance to the nearest bus stop, is served by frequent bus services along Wellington Road. Therefore, this element of the proposal would comply with UDP policies H6, AM12, AM15 and BCCS policies ENV3 and CSP4.

- 11.9 There has been considerable objection to the scheme on the grounds of overdevelopment, increased traffic levels and an unacceptable impact on the existing parking situation in Nelson Avenue. Whilst the proposal would create three extra dwellings, the two spaces provided per house would be a sufficient provision and have no effect on the level of parking currently available in Nelson Avenue. Therefore, it is not considered that this scheme would be overdevelopment or have a detrimental impact on the existing parking provision within the street and it would comply with UDP policies H6, AM12, AM15 and BCCS policies ENV3 and CSP4.

Trees

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

S106 obligations

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

Coal Mining Risk Assessment

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

12. Conclusion

- 12.1 It is considered, that given the location and the nature of the site, it would be appropriate for residential development. The layout and setting of the proposed dwellings would relate well to existing properties within Nelson Avenue, providing sufficient distances between the existing and proposed dwellings, with adequate parking and garden area to support the dwelling. Unlike the earlier scheme for the site refused by the Committee last year, this scheme no longer proposes the use of the small grassed area in Nelson Avenue for visitor

parking, as each house it to have space for two cars each within their curtilages. The design relates well to its surroundings and sits well within the street scene, and the access to the property and for parking is considered acceptable. It is considered that the scheme would be compliant with UDP Policies H6, D4, D6, D7, D8, D9, D11, D12, D13, AM12, AM15, N7, N9, EP11 and BCCS policies ENV3 and CSP4 and the NPPF.

13. Recommendation

13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00448/FUL, subject to:

- (1) Receipt of satisfactory coal mining risk assessment
- (2) No objections from The Coal Authority
- (3) Completion of a S106 agreement in respect of compensation for loss of open space, the expenditure of which is to be identified by Leisure Services
- (4) Any necessary conditions, including the following:

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

Case Officer : Ms Ann Wheeldon
Telephone No : 01902 550348
Head of Planning – Stephen Alexander



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Planning Application No: 12/00448/FUL

Location	Land Adjacent To 41, Bulger Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 394199 297038
Plan Printed	12.06.2012	Application Site Area	499m ²

PLANNING COMMITTEE - 26-June-12

<u>APP NO:</u>	12/00223/FUL 12/00286/CON	<u>DATE RECEIVED:</u>	27.02.12 29.02.12
<u>WARD:</u>	Ettingshall		
<u>APP TYPE:</u>	Full		
<u>SITE:</u>	Land at Gordon Street, Vicarage Road and Raby Street.		
<u>PROPOSAL:</u>	Demolition of existing properties and creation of 101 houses and a new Vicarage.		
<u>APP TYPE:</u>	Conservation Area Consent		
<u>SITE:</u>	Vicarage Road		
<u>PROPOSAL:</u>	Demolition of Vicarage and replacement with five houses.		
<u>APPLICANT:</u>		<u>AGENT:</u>	
Keepmoat Homes Ltd Regeneration House Gorsley Lane Coleshill West Midlands B46 1JU		BM3 Architecture 28 Pickford Street Digbeth Birmingham B5 5QH	

COMMMITTEE REPORT:

1. Site Description

- 1.1 The planning application site comprises land at Gordon Street, Vicarage Road and Raby Street. The conservation area consent application site is part of the planning application site. They are located to the south-east of the city centre, adjacent to the former Royal Hospital.
- 1.2 The surrounding area is predominantly residential, although there are some commercial units along Steelhouse Lane to the East and Benhams showroom which is located to the west. There is also a relatively small area of open space is located at the junction of Powlett Street and Raby Street.
- 1.3 The land at Gordon Street has been largely vacant for many years following the demolition of a number of terraced houses.
- 1.4 At present Gordon St is blocked at the Steelhouse Lane end. There are no proposals to permanently reopen this route.
- 1.5 Vicarage Road and Raby Street have a very strong townscape character with a fine urban grain and distinctive street pattern, characterised by 19th and 20th century terraced properties. The existing Vicarage, located on Vicarage Road, forms part of the Cleveland Road Conservation Area.

2. Application Details

- 2.1 The applications propose a total of 101 new houses and a new Vicarage. The existing Vicarage would be demolished and a new vicarage provided in Adelaide Street.
- 2.2 As part of the proposals, a new east-west road would be created, connecting Vicarage Road and Raby Street. A new section of highway running north-south, would also be created to connect Granville Street and Gordon Street.

3. Planning History

- 3.1 11/00902/DEM for Demolition of vacant houses and business premises. Granted

4. Constraints

- 4.1 Cleveland Road Conservation Area

5. Relevant Policies

5.1 National Planning Policy Framework

5.2 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

5.3 Unitary Development Plan

D3 Urban Structure
D4 Urban Grain
D5 Public Realm Public Open Private Space
D6 Townscape and Landscape
D7 Scale - Height
D8 Scale - Massing
D9 Appearance
D10 Community Safety
D11 Access for People with Disabilities part
D13 Sustainable Development Natural Energy
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
 CC11 All Saints and Royal Hospital Area

5.4 Wolverhampton's Supplementary Document
 SPG 3 – Residential Development
 SPD – Affordable Housing
 Land at Gordon Street – Masterplan (2000)
 Development Brief - Raby Street & Vicarage Road

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 Two letters containing planning issues have been received from local businesses. One is from Sidhu Stores on Steelhouse Lane who are concerned about the proximity of the proposed houses to the shop. The second is from Benhams who have concerns regarding the proposed closure of Raby Street to through traffic.

8. Internal Consultees

- 8.1 **Environmental Services** – No objections subject to hours of construction being controlled, the recommendations of the noise survey being implemented and a site investigation being carried out.

8.2 **Highways** – No objections subject to appropriate Highways works/ associated Highway agreements and revised Traffic Regulation Orders within and in the vicinity of the development.

9. **External Consultees**

9.1 **Severn Trent** – No objection subject to the submission of a satisfactory drainage plan.

9.2 **Police** – No objection.

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.

10.3 The National Planning Policy Framework states that where obligations are being sought or revised, local planning authorities, should take account of changes in market conditions over time and wherever appropriate be sufficiently flexible to prevent planned development being stalled.
[LC/15062012/Z]

11. **Appraisal**

11.1 The key issues are:

- Principle of residential development
- Design
- Impact on the Conservation Area
- Residential amenity
- Car parking & access
- Planning obligations

Principle of residential development

11.2 A Development Brief for the residential redevelopment of Vicarage Road and Raby Street was adopted in 2008 and in 2000, a Master Plan for the residential redevelopment of Gordon Street was published. The principle of developing these sites for housing is accepted.

Design

- 11.3 The design of the street network and hierarchy is acceptable as are the positions of the proposed houses which form a series of perimeter blocks. This arrangement provides an efficient use of space and also a clear definition of public and private realms, ensuring that active frontages are provided to the street and also adjacent to the open space, with private gardens being secured by other private gardens.
- 11.4 The surrounding area is predominantly characterised by two storey buildings and this is reflected in the proposed development, where the proposed houses would also be predominantly two storeys.
- 11.5 The houses would have external walls predominantly of red brick under tiled pitched roofs.
- 11.6 The proposed design of the proposal is acceptable, would preserve and enhance the Cleveland Road Conservation Area and is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Impact on Conservation Area

- 11.7 The current Vicarage is located within the Cleveland Road Conservation Area, behind several London Plane trees, which are protected by a tree preservation order. The proposed development retains the existing trees, but replaces the existing building with five houses. The proposed scheme would preserve the character of the Conservation Area and is acceptable.

Residential amenity

- 11.8 The relationship between the proposed dwellings and existing businesses, including Sidhu Stores, is acceptable. The positioning of the proposed houses respects the privacy, daylight and outlook from adjacent dwellings as well as providing for the amenities of future occupiers.
- 11.9 The private amenity areas are of sufficient size to support the proposed dwellings.
- 11.10 The proposal is in accordance with UDP policies H6 and SPG3.

Car parking & access

- 11.11 The proposed layout and parking provision is acceptable. It would be necessary to carry out some highway works and close parts of the existing highway. There is also an existing public right of way between Adelaide Walk and Granville Street which would need to be diverted.
- 11.12 The proposed stopping up of Raby Street to through traffic is not essential in Planning or Highways terms. However, it has been a long-standing aspiration of the residents steering group for this scheme. The closure would need to be confirmed through a separate legal process requiring additional public

consultation. Should there be any resultant objections raised through that process, then the closure may not be implemented.

Planning obligations

- 11.13 In accordance with the development plan and the development brief there is a requirement for:
- 25% of housing to be affordable,
 - a financial compensation for the loss of public open space (£100,000)
 - an off-site contribution for open space and play to be spent on the enhancement of All Saints public open space (a maximum of £100,000 BCIS indexed)
 - various highway works
 - a scheme for targeted recruitment and training,
 - 10% renewable energy
 - public art
- 11.14 The applicants are seeking a reduction in the S106 obligations on the grounds of insufficient financial viability. Their financial viability appraisal is being considered by the District Valuer.
- 11.15 On the 11th of November 2009 and 23rd of March 2011 Cabinet endorsed a recommendation that a flexible and pro-active approach to planning obligations is taken, in response to the economic downturn.
- 11.16 Should it be demonstrated that the scheme is unviable then it would be justified to either reduce the contributions, commensurate with the lack of viability, in order to support early development.
- 11.17 In this case, the development would be split into two phases. Gordon Street, which is cleared and ready for development, would form Phase 1, with the development of Vicarage Road/Raby St following, once the existing houses have been demolished. It is therefore necessary, in this instance, to have two separate, but linked S106 agreements, with the obligations split between the two phases.
- 11.18 The land is currently in the ownership of the local authority and it is currently the intention that the land will be transferred in two phases to the Developer. Therefore while it will be possible to secure the first Section 106 agreement on the transfer of Phase 1, the Phase 2 Section 106 agreement will not be able to be completed at the same time as the local authority cannot enter into such an agreement as landowner when it is also the planning authority. Therefore it is proposed to seek a S111 Agreement in respect of the Phase 2 Section 106 Agreement with the Developer where they agree to enter into a Section 106 Agreement for Phase 2 when Phase 2 is transferred.

12. Conclusion

- 12.1 Residential development is acceptable in principles and the details of the proposal are acceptable. Subject to conditions and a S106 agreement as

recommended, the development would be in accordance with the development plan.

13. Recommendation

13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00223/FUL subject to:

(i) Negotiation and completion the S106 Agreement for Phase 1 and the negotiation and completion of a S111 Agreement to secure the Phase 2 S106 Agreement as outlined above. In total the two Section106 agreements, for both phases, to include:

If viable:

- 25% affordable housing
- compensation for loss of open space (BCIS)
- a financial contribution to the enhancement of All Saints public open space (BCIS)
- various highway works and Traffic Regulation Orders
- a scheme for targeted recruitment and training,
- 10% renewable energy
- public art

If not viable:

A reduction in the requirements for public art, public open space and play contribution, public open space compensation, renewable energy and affordable housing, commensurate with the lack of viability demonstrated, with the reduced provision applying on a pro-rata basis to all houses ready for occupation within three years of the date of this Committee and the full contribution applying on a pro-rata basis to all those that are not ready for occupation at that time.

(ii) Any necessary conditions to include:

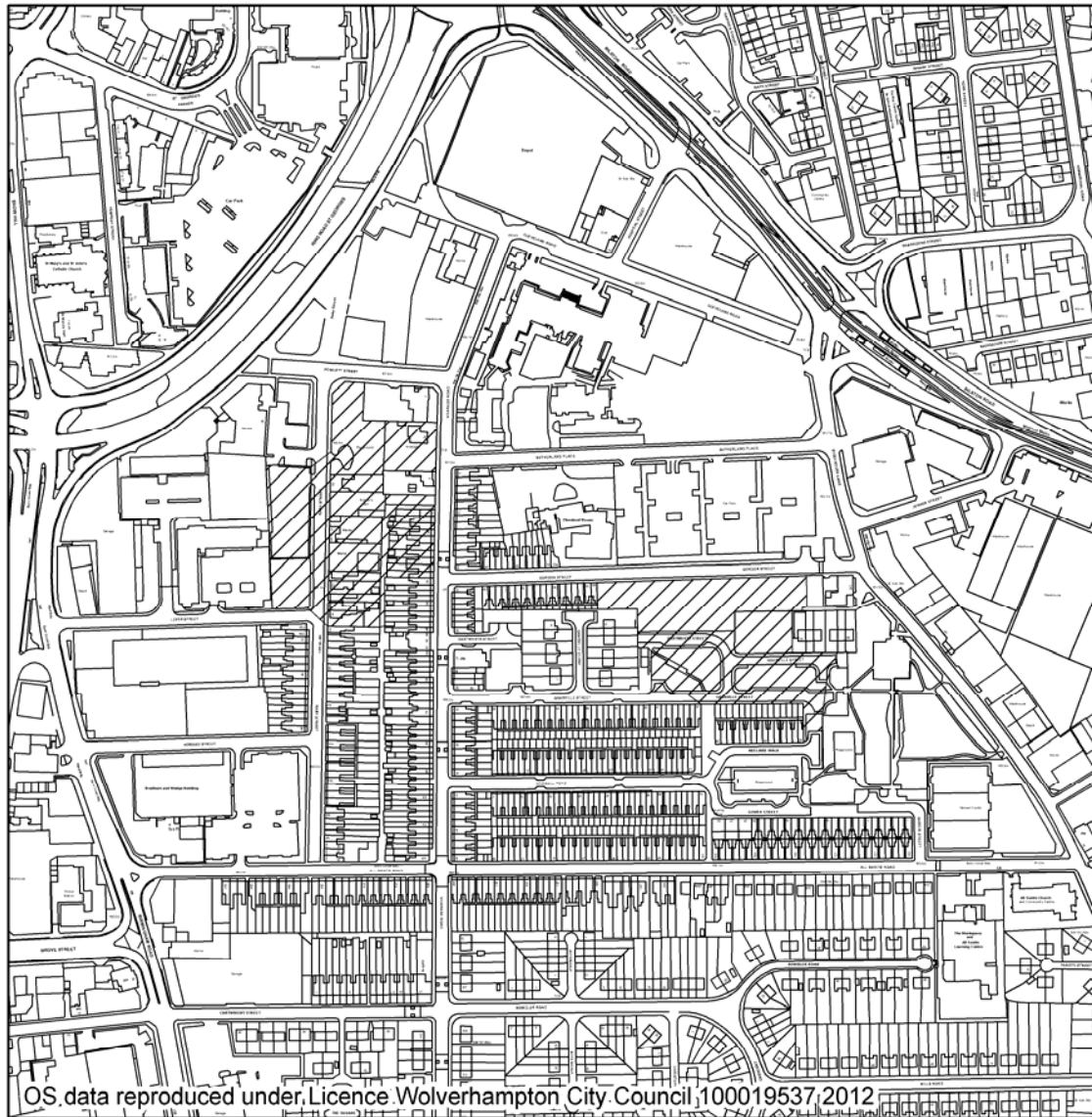
- Materials
- Landscaping implementation
- Boundary treatment
- Implement recommendations of noise report
- Measures to reduce impact of construction on residents, including no construction outside hours of 8-1800 Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
- Drainage
- Site investigation
- Site waste management plan
- Removal of permitted development rights for garages

13.2 Delegated authority to the Interim Strategic Director for Education and Enterprise to grant application 12/00286/CON subject the following condition:

(i) Demolition shall not take place until a contract, including a timetable and methodology, for carrying out the demolition has been made and

submitted to and agreed by the local planning authority or unless otherwise agreed in writing by the local planning authority.

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



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Planning Application No: 12/00223/FUL

Location	Land At Gordon Street, Vicarage Road And Raby Street, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391839 298094
Plan Printed	12.06.2012	Application Site Area	23010m ²

PLANNING COMMITTEE – 26-June-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. Background

- 1.1 This application was reported to Planning Committee on 22nd May 2012. The Committee delegated authority to the Interim Strategic Director for Education and Enterprise to grant the application subject to the signing of a Section 106 Agreement to require a compensatory payment of £137,838 (BCIS indexed) for the loss of part of a sports pitch and relevant conditions.

2. Site Description

- 2.1 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.
- 2.2 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.

3. Application Details

- 3.1 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).

- 3.2 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.
- 3.3 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.
- 3.4 A landscape strip (between 5 and 10 metres wide) would be provided between the site and the rear gardens of dwellings on Taylor Road.
- 3.5 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.

4. Planning History

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

5. Constraints

- 5.1 Landfill Gas
Coal Mining Area

6. Relevant Policies

- 6.1 National Planning Policy Framework
- 6.2 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
- 6.3 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

7. Environmental Impact Assessment Regulations

- 7.1 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.
- 7.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

8. Publicity

- 8.1 No response.

9. Internal Consultations

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

10. External Consultees

- 10.1 **Sport England** – Comments awaited.

- 10.2 **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.

11. **Legal Implications**

- 11.1 General legal implications are set out at the beginning of the schedule of planning applications (LC/11062012/D).

12. **Appraisal**

- 12.1 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

- 12.2 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.

- 12.3 The site is currently occupied by part of a former cricket pitch. Therefore, in accordance with UDP policies R3 and R5, a payment of £45,000 (BCIS indexed) for the loss of this area of sports pitch is required, to be spent on the improvement of changing facilities at Newbridge Cricket Ground. This is a reduced contribution from £137,838 and takes account of updated Sport England guidance on the replacement cost of a cricket pitch. The applicants have offered a payment of £25,000 which is not sufficient to cover the loss of this area of sports pitches. A satisfactory justification for this reduced offer has not been provided.

Design

- 12.4 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

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

Residential Amenity

- 12.6 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

- 12.7 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.

- 12.8 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.

13. Conclusion

- 13.1 Subject to a compensatory payment for the loss of the sports pitch to be spent on the improvement of the changing facilities at Newbridge Cricket Ground, and conditions as recommended the proposed development would be acceptable and in accordance with the Development Plan.

14. Recommendation

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

1. No overriding objections from Sport England.
2. The signing of a S106 Agreement to require a compensatory payment of £45,000 (BCIS indexed) for the loss of part of the sports pitch.
3. 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 ²

PLANNING COMMITTEE - 26-June-12

APP NO: 12/00473/FUL **WARD:** Park

RECEIVED: 27.04.2012

APP TYPE: Full Application

SITE: Wolverhampton Wanderers Football Club Training Ground, Off Douglas Turner Way, Compton Park, Wolverhampton

PROPOSAL: Erection of Floodlights and seating areas to existing show pitch

APPLICANT:
Wolverhampton Wanderers Football Club
C/O Agent

AGENT:
Mr Mike Best
Turley Associates
9 Colmore Row
Blirmingham
B3 2BJ

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located approximately 2.5km to the west of the City Centre and the football pitch to be floodlit is located in the north-west corner of the Compton Park site and is part of the existing Wolverhampton Wanderers training facility.
- 1.2 The site is bordered to the west by the Staffordshire and Worcestershire Canal which is a conservation area and Smestow Valley Local Nature Reserve to the west and south. Directly to the south-east of the proposed show pitch is the Training Centre and to the north is Wolverhampton Lawn Tennis and Squash Club, Newbridge Preparatory School and residential properties to the north-east.
- 1.3 The site is Green Belt and there are large areas of established and mature trees around the periphery of the site and an Oak tree to the north west of the pitch which is covered by a preservation order.

2. Application Details

- 2.1 The application proposes six floodlighting columns to illuminate one football pitch and bench seating along the eastern boundary of the pitch, to accommodate up to 60 spectators in two blocks either side of the halfway line. The benches would be made from recycled weatherproof plastic and fixed to the ground.
- 2.2 The lighting columns would be 15m high and 40m apart and the lighting heads are designed to produce a horizontal illumination level of 500 lux with the facility to switch down to 250 lux and to provide half pitch switching such that 500 and 250 lux can be applied to half the pitch if required.

- 2.3 The applicant states that as part of the Elite Player Performance Plan (EPPP) to be submitted to the Football Association (FA) to ensure the clubs Academy qualifies as Category 1, the club is required to provide a floodlit grass pitch (show pitch) in addition to the proposed new all weather pitch. The chosen pitch is the current first-team training pitch as this is the highest quality grass surface at Compton Park.

3. Planning History

- 3.1 11/00828/FUL for Demolition of the existing St Edmund's Catholic School & the erection of an indoor training pitch & associated building, the provision of an all-weather football pitch & replacement of the existing flood lights, reorganisation & upgrading of existing pitches, associated staff & parent & visitor parking & the erection of a replacement pavilion & three floodlit tennis courts. Demolition of University halls of residence, buildings & redevelopment to provide replacement school for St Edmund's comprising the conversion, reconfiguration & extension of the retained University buildings together with external sport, recreation areas, car parking & the erection of 55 four & five bedroom two storey dwellings, access roads & open space. Granted 21.12.2011
- 3.2 95/1156/FP for Erection of soccer Centre of Excellence building and indoor coaching arena building, all weather pitches, upgrading existing pitches, landscape works and parking, Granted 30.05.1996.

4. Constraints

Tettenhall Road Conservation Area
Staffs/Worcs & Shropshire Union Canal Conservation
Site of Importance for Nature Conservation
Green Belt
Tree Preservation Orders

5. Relevant Policies

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

The Development Plan

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

CSP2 Development outside the Growth Network
ENV1 Nature Conservation
ENV3 Design Quality

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

D6 Townscape and Landscape
D7 Scale - Height
D8 Scale - Massing

D9	Appearance
EP4	Light Pollution
HE4	Proposals affecting a Conservation Area
N7	The Urban Forest
N9	Protection of Wildlife Species
G2	Control of Development in the Green Belt
G3	Control of Development Conspicuous from the Green Belt
R10	Floodlighting and Synthetic turf pitches

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 Twenty four letters of objection have been received and an objection from Inland Waterways. A summary of their concerns are set out below:-
- Increase in traffic and associated parking
 - Effect of light pollution on residential amenity
 - Effect on conservation area
 - Noise disturbance
 - Out of character
 - Need for floodlighting not demonstrated
 - Impact on nature conservation, in particular bats
 - Existing floodlighting impacts on residential amenity
 - Protection of Oak tree

8. Internal Consultees

- 8.1 **Environmental Services** – no objections
- 8.2 **Landscape & Ecology** – an ecological survey has been submitted. Further information is required to demonstrate that bats would not be affected if the lighting were to be on during April, May, September and October, that any roosting bats would not be affected by light spillage to the north of the site and that the Oak tree does not have any potential to accommodate roosting bats.

9. Legal Implications

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

Conservation of Species Protected by Law

- 9.2 The 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 Bats are a protected species. In addition they are also protected under part 1 of the Wildlife and Countryside Act 1981.
- 9.3 Paragraph 99 of Circular 06/2005 ‘Biodiversity and Geological Conservation - Statutory Obligation’ and the Impact Within The Planning System should be noted. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted. Otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.
- 9.4 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, it should also have regard to any representations ensuing from the publicity required under S73 of the Act. [LC/11062012/C]

10. Appraisal

- 10.1 The key issues are: -

- Green Belt
- Residential Amenity
- Ecology and Trees
- Impact on the Conservation Area

Green Belt

- 10.2 The proposal is within the Green Belt. In terms of the proposals compliance with the National Planning Policy Framework (NPPF) and local policy, the proposal needs to meet one of the types of ‘exceptions’ to inappropriate development in policy.

- 10.3 In relation to this proposal and changes introduced in the NPPF, outdoor sport facilities now only need to be for the 'provision of appropriate facilities', for outdoor sport', although the requirements for them to preserve the openness of the Green Belt and not conflict with the purposes of including land within it still remain. The proposals are required for the existing and proposed facilities at the site to meet Football Association (FA) standards.
- 10.4 For this reason floodlights are considered within the definition of 'appropriate facilities for outdoor sport facilities' given they are a feature which is synonymous with such facilities. The applicant proposes to install the minimum amount of floodlights required to meet FA standards. The proposal does not conflict with the purposes of including land in the Green Belt and therefore the proposal is considered to be one of the exceptions to inappropriate development in the NPPF.
- 10.5 Saved UDP policies G2 and G3 require consideration to be given to the siting, scale, materials and the design of proposals in the Green Belt and the impact these issues can have on openness, visual amenity and visual character. Information submitted in the planning application indicates that the proposal has been designed to be unobtrusive and sympathetic to its location and incorporates measures to control light spread.
- 10.6 There is already floodlighting on the Academy building, the 3G pitch and the Lawn Tennis Club. To safeguard against the cumulative impact of lighting within the Green Belt, the proposed scheme has been designed to be fully Dark Skies Compliant, contributing no additional vertical illumination to the amenity. Within the horizontal plane; the illumination will be no more than 2 lux just beyond the pitch boundary and therefore the proposal would not have an adverse impact on the visual amenity of the wider Green Belt area. The show pitch is located on a relatively secluded parcel of land which sits at a lower level than that of the surrounding land to the south and east. Mature boundary planting screens the site to the north and west and the proposed floodlights would be viewed against the backdrop of the Training Centre and Academy when viewed from north to south across Compton Park.
- 10.7 On this basis, there is no cumulative impact because the proposed floodlighting is sited to minimise the impact on the green belt, there is no excessive spread of light and the hours of use for the lighting can be controlled by condition. The proposal would not result in excessive or obtrusive artificial light and is therefore in accordance with the development plan policies G2 and G3.
- 10.8 The proposed seating would comprise benches which would be located on the embankment. The size, scale and height of the seating in this location would reduce the visual impact on the landscape and on the Green Belt. The proposal is therefore consistent with development plan policies G2, G3 and D6.

Residential Amenity

- 10.9 The proposed lighting is designed to be 'Dark Skies Compliant' which is to reduce the effects of unnatural lighting on the environment. The luminaries will be directed specifically on the pitch with no spillage beyond into residential areas. The proposed design will ensure that the pitch is only lit to serve the purposes for which it is being used with the facility to switch the illumination to provide less light. The applicant has confirmed that the floodlights would not be

use for more than 18 hours a week or beyond 2230hrs and this can be conditioned. The proposal will therefore be acceptable and in accordance with UDP policy EP4

- 10.10 There is no suggestion in the application that the proposals will result in any increase in traffic and therefore there would be no adverse impact on highway safety.

Ecology and Trees

- 10.11 An ecological appraisal has been submitted but has not demonstrated that the proposal would not harm protected species if the lighting were to be on during April, May, September and October and that the spread of light to the north band of trees would not affect roosting bats. It has also not been clarified if the Oak tree located within the remit of the lighting would have the potential to accommodate roosting bats.
- 10.12 Subject to further clarification, possible amended layout moving the floodlighting away from the north band of trees and bat activity survey which demonstrates that there would be no detrimental harm to protected species the development would be in accordance with BCCS policy ENV1 and UDP policy N9.
- 10.13 The development would take place within an area of root protection. There would be no harm to the Oak tree provided it is adequately protected during construction which can be conditioned. The development is in accordance with UDP policy N7.

Impact on the Conservation Area

- 10.14 The lighting would not spill out beyond the pitch to the north-west and the lighting columns cannot be seen from the Staffordshire and Worcester Conservation area. The proposal therefore would not have a detrimental impact on the character and appearance of the conservation area and would be in accordance with UDP policy HE4.

11. Conclusion

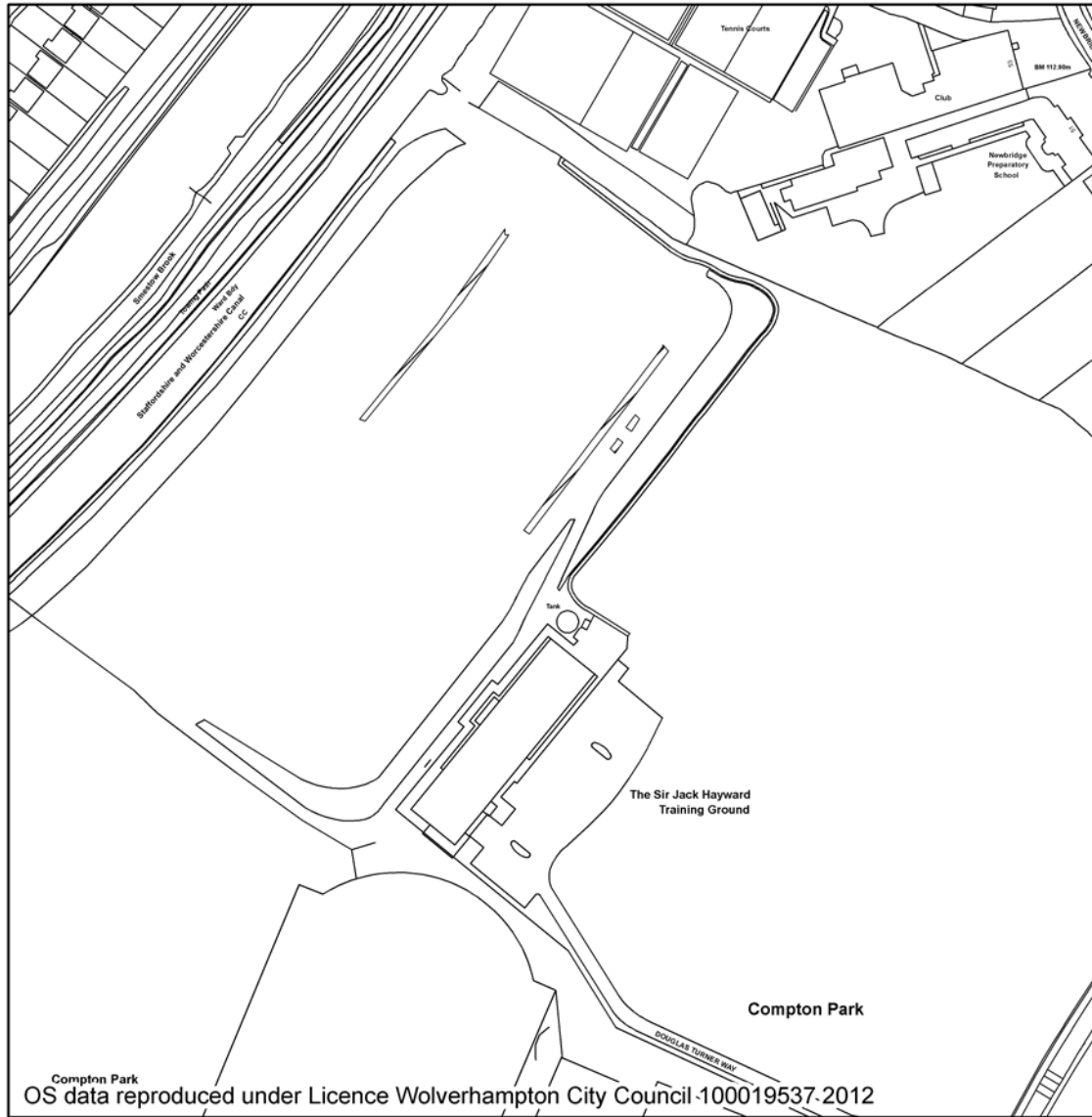
- 11.1 The development is generally acceptable and subject to further clarification that the proposal would not result in any harm to protected species, the proposed development is acceptable and in accordance with the development plan.

12. Recommendation

- 12.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00473/FUL subject to:-
1. Receipt of further ecological information and possible relocation of floodlighting columns if necessary;
 2. Any necessary conditions to include:
 - Tree Protection measures for Oak Tree

- Hours of Use (use not exceed 18hrs per week and not used between 2230hrs and 0800hrs)
- Periods of Use (the floodlights shall not be used April to October)

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



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Planning Application No: 12/00473/FUL

Location	Wolverhampton Wanderers Football Club Training Ground, Off Douglas Turner Way, Compton Park, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 389058 299409
Plan Printed	12.06.2012	Application Site Area	375m ²

PLANNING COMMITTEE - 26-June-12

APP NO: 12/00587/TEL **WARD:** Graiseley

RECEIVED: 23.05.2012

APP TYPE: Telecommunications Notification

SITE: Street Record, Duke Street, Bradmore, Wolverhampton

PROPOSAL: Installation of one BT equipment cabinet measuring 1.30m high
x0.75w wide x.0.40depth

APPLICANT:

BT Openreach
BT Openreach
Steam Packet House
76 Cross Street
Manchester

AGENT:

Sebastian Bowe
Mono Consultants Ltd
Steam Packet House
76 Cross Street
Manchester
M2 4JG

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is on an open paved area on Duke Street, at the back edge of footpath, close to the junction with Stubbs Road and hard up against the 1.5metre high side garden wall of No 39 Stubbs Road.

2. Application detail

- 2.1 The application is a 'Prior-Notification' which means that if the application is not determined and a decision notice received within eight weeks of the Council receiving it, then the application is deemed as approved and works can commence. It seeks to place a small green coloured metal equipment cabinet at the back edge of the footpath on Duke Street. This will house equipment connected with the provision of high speed fibre broadband services to residents and businesses in the area.

3. Constraints

- 3.1 The site is within the Pennfields Conservation Area.

4. Relevant policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan
D1 - Design Quality
D6 - Townscape and Landscape
D7 - Scale - Height

D9 - Appearance
EP20 – Telecommunications
HE4 – Proposal Affecting a Conservation Area.
AM 15 – Road safety and Personal Security.

Other relevant policies

4.2 National Planning Policy Framework

Wolverhampton's Supplementary Documents

4.3 Interim Telecommunications Policy (note; this was produced particularly in respect of telecommunication masts and related equipment.)

Black Country Core Strategy

4.4 ENV3 - Design Quality
CSP4 - Place Making
EMP1- Providing for Employment Growth

5. Environmental Impact Assessment Regulations

5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (SI 20011/1824) 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. (LD/11062012/N)

6. Publicity

No response to notifications, site notice or press notice to date.

7. Internal Consultees

7.1 **Transportation Development**

Awaited

7.2 **Historic Environment Team**

No objections.

8. Legal Implications

8.1 In the case of mobile phone masts up to 25 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 siting and appearance of the development.

- 8.2 The local planning authority is required to give notice to the applicant within 56 days of receipt of the application if it requires prior approval. If the local planning authority do 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.

9. Appraisal

- 9.1 The key issues are: -

- The visual appearance of the proposal in the locality especially in respect of its conservation area setting.
- Traffic and pedestrian flow.

9.2 Visual Appearance.

UDP policies D6 'Townscape & Landscape', D7 'Scale-Height', D9 'Appearance' together with BCCS Policy CSP4 'Place Making', all seek to ensure that in designing and locating development account is taken of the existing character and appearance of a locality and the proposal is designed specifically for the site to minimise any adverse impact and maximise its contribution to the established character of the locality.

- 9.3 UDP policy EP20 'Telecommunications' and this Council's 'Interim Telecommunications Policy' distinguishes between 'less sensitive sites' and "sensitive sites" when locating telecommunications equipment. The latter include designated sites for conservation and nature, green belt and public open space, together with health and education facilities. UDP policy EP20 and the NPPF require applicants for telecommunication equipment to demonstrate that there is a need for the additional equipment, that there are no more suitable sites in terms of any visual impact and that the proposal has been designed to minimise its visual impact.

- 9.4 This proposal is for a type of BT cabinet that is common on many streets in the city. It is set to the back of the footpath, against a 1.5m high brick wall. At 1.3 metres high and only 0.75m wide, and coloured green, it will not be visually prominent in the streetscene. It therefore complies with policies D6, D7, D9 and CSP4.

- 9.5 It is one of very many such cabinets which will be put in place around the city. The vast majority of these will not require planning permission being a form of development permitted under the terms of Section 24 of the General Permitted Development order 2010 to the Town & Country Planning Act 1990. These are being rolled out as part of the BT Openreach programme to provide the city with Super Fast Fibre Internet Access. This will be to the benefit of residents and businesses throughout the city. This will comply with UDP policies EMP1 and EP20.

9.6 Impact on the Conservation Area

All new developments within conservation areas must 'conserve or enhance, the identified character of the conservation area. Given the small size, the neutral colour and the location of the cabinet set against a brick wall at the back-edge of the footpath, it is considered that this proposal will sufficiently conserve the character of the conservation area. It will therefore comply with the NPPF, and UDP policy HE4 and BCCS Policy CSP4.

9.7 Traffic and Pedestrian Flows and Safety.

The small scale nature of the proposed cabinet, together with its location at the back edge of the footpath on Duke Street, it is considered that there should be no traffic or pedestrian safety issues with it. It therefore complies with UDP policy AM15.

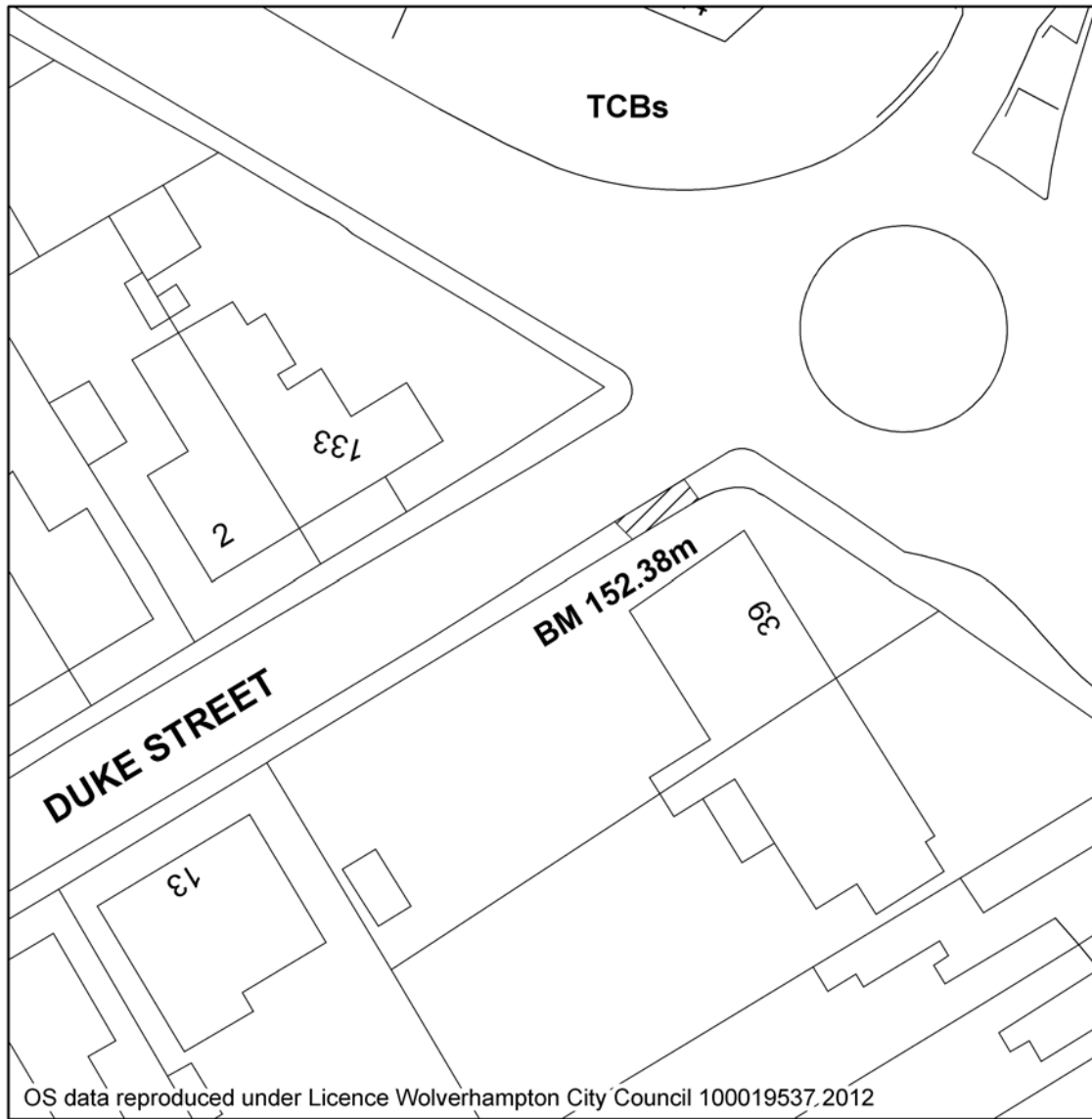
10. Conclusion

- 10.1 The proposed equipment is very similar in scale and nature to that which is already in place around the city. It is to facilitate communication and business use in providing super fast fibre internet communications has been demonstrated. It is of a small dimension and this together with its green colour and position against a wall at the back edge of the footpath, will acceptably reduce its visual impact, sufficiently preserve the character of the Pennfields Conservation Area and result in little or no interference with road or pedestrian traffic. The scheme can therefore be said to have complied with the relevant UDP and BCCS policies of the Council, its Interim Telecommunications Policy and the national planning guidance as set out above.

11. Recommendation

That planning application 12/00587/TEL be granted, subject to standard conditions:

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



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Planning Application No: 12/00587/TEL

Location	Street Record, Duke Street,Bradmore,Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390226 297071
Plan Printed	12.06.2012	Application Site Area	9m ²

PLANNING COMMITTEE - 26-June-12

APP NO: 12/00453/RP **WARD:** Graiseley

RECEIVED: 19.04.2012

APP TYPE: Retrospective Planning Permission

SITE: 28 & 29 Stubbs Road, Wolverhampton, WV3 7DJ

PROPOSAL: Retrospective replacement of timber sash windows

APPLICANT:

Mr DJ & Mrs M Bradley
Aston Hall
Aston Lane
Claverley
Wolverhampton
WV5 7DZ

AGENT:

Mr Niall Blackie
FBC Manby Bowdler LLP
Routh House
Hall Court
Hall Park Way
Telford
Shropshire
TF3 4NJ

COMMITTEE REPORT:

1. Site Description

- 1.1 The properties are located within the Penn Fields Conservation Area.
- 1.2 The properties, No.'s 28 and 29 Stubbs Road are identified in the Penn Fields Conservation Area Appraisal as being good, relatively unaltered examples of their type, where some original materials and details and basic historic form has survived.
- 1.3 The buildings are considered to be of townscape merit that makes a positive contribution to the character and appearance of the Conservation Area.
- 1.4 The properties have been converted in the past for multiple occupations.

2. Application details

- 2.1 This is a retrospective planning application.
- 2.2 Replacement of the timber sash windows at 28 and 29 Stubbs Road.

3. Planning History

- 3.1 11/00184/RP for Retrospective replacement of timber sash windows (Amended description), Refused, under officer delegation, dated 17.01.2012.

4. Constraints

- 4.1 Penn Fields Conservation Area

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D9 – Appearance

HE1 - Preservation of Local Character and Distinctiveness

HE3 - Preservation and Enhance of Conservation Areas

HE4 - Proposals Affecting a Conservation Area

HE5 - Control of Development in a Conservation Area

Other relevant policies

- 5.2 National Planning Policy Framework

- 5.3 Black Country Core Strategy 2011.

ENV2 - Historic Character and Local Distinctive

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 Nine representations received from the residents of the flats in support of the application.

8. Internal Consultees

- 8.1 **Historic Environment Team** – Objection to the replacement of the sash windows with UPVC windows.

9. External Consultees

- 9.1 **Wolverhampton Civic and Historical Society** – Objection to the replacement of the sash windows with UPVC windows.

10. Legal Implications

- 10.1 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act (LD/11062012/I).

11. Appraisal

- 11.1 The key issue is the effect of the UPVC windows on the Conservation Area.
- 11.2 The properties are identified in the Penn Fields Conservation Area Appraisal as buildings of Townscape merit that make a positive contribution to the character and appearance of the Conservation Area.
- 11.3 The Conservation Area consists of mid/late 19th century development with many buildings of historical character being retained. The area contains a range of house types that reflects the social hierarchy of the time. The properties range from two storey terraced houses, pairs of semi-detached villas, and a large house in spacious grounds.
- 11.4 The application properties are considered to be attractive buildings and considerable effort must have gone into their design. Proposals within a conservation area should preserve and enhance the character and appearance of the conservation area. The replacement of the timber sash windows with UPVC windows erodes the character and appearance of application properties and the wider conservation area. This retrospective proposal is contrary to adopted BCCS policy ENV2 and saved UPD policy HE3.
- 11.5 The replacement of the timber sash windows on the prominent front location of these attractive buildings with windows of different materials and proportions detracts from the appearance of the buildings and harms the character and appearance of the conservation area. This retrospective proposal is contrary to saved UDP policies D9, HE4 and HE5. The proposal is also contrary to adopted BCCS policy ENV3.

11.6 Heritage assets are an irreplaceable and finite resource and should be conserved. The original timber sash windows are a heritage asset and their retention and refurbishment is wholly in accordance with the presumption in favour of sustainable development as laid down in the National Planning Policy Framework. As such this retrospective proposal is contrary to the National Planning Policy Framework.

12. Conclusion

12.1 This retrospective application for the replacement of the timber sash windows with UPVC windows is considered to be unacceptable as it detracts from the appearance of the application properties and harms the character and appearance of the Penn Fields Conservation Area.

13. Recommendation

13.1 That Planning Application 12/00453/RP be refused for the following reasons;

- i. The buildings occupy a prominent corner location within the Penn Fields Conservation Area. The UPVC windows that have been installed to replace the timber sash windows have an adverse impact on the character and appearance of the Penn Fields Conservation Area. The replacement windows and the loss of the original sash windows and replacement with UPVC alternatives neither preserve nor enhance the character of the Penn Fields Conservation Area.

Contrary to UDP saved Policies D9, HE3, HE4, and HE5. Also contrary to adopted BCCS Policies ENV2 and ENV3.

13.2 That the Interim Strategic Director Education and enterprise be authorised to proceed with formal enforcement action by serving an Enforcement Notice requiring the removal of the UPVC windows and replacement with timber sash windows.

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



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Planning Application No: 12/00453/RP

Location	28 & 29 Stubbs Road, Wolverhampton, WV3 7DJ		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390318 296978
Plan Printed	12.06.2012	Application Site Area	1213m ²