

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel

PLANNING COMMITTEE

Date: 7th August 2012

Originating Service Group(s)

EDUCATION AND ENTERPRISE

Contact Officer(s)

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(Head of Planning)**

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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 (7th August 2012)

Index of Applications

<u>Application No.</u>	<u>Site Address</u>	<u>Ward</u>	<u>Summary of Recommendation</u>	<u>Page</u>
12/00521/REM	Land To The Rear Of 201 Castlecroft Road Castlecroft Wolverhampton	Tettenhall Wightwick	Grant subject to conditions	8
12/00596/FUL	Halfway House 151 Tettenhall Road Wolverhampton	Park	Grant subject to conditions	13
11/01198/FUL	The Warstones Inn Warstones Road Wolverhampton	Penn	Grant subject to conditions	21
12/00064/FUL	United Services Club Humber Road Wolverhampton	Graiseley	Grant subject to a section 106 agreement, amended plans and conditions	29
12/00385/FUL	Land To The East Of Ettingshall Road And Ward Street, Ettingshall Bilston Wolverhampton	Ettingshall	Delegate to officers power to grant subject to section 106 agreement, amended plans and conditions	35
12/00284/FUL 12/00317/VV 10/00998/RC	Bankfield Works Greenway Road Wolverhampton	Bilston East	Delegate to officers power to grant subject to section 106 agreement, amended plans and conditions	43
12/00413/FUL	Land Adjacent To 14 And 25 Purcel Road Wolverhampton	Bushbury South And Low Hill	Delegate to officers power to grant subject to section 106 agreement, amended plans and conditions	52

12/00452/FUL	Former Drill Hall 184 Stafford Street Whitmore Reans Wolverhampton	St Peters	Grant subject to section 106 agreement, amended plans and conditions	57
12/00003/FUL	84 Woodthorne Road South Wolverhampton WV6 8SL	Tettenhall Regis	Grant subject to conditions	63
12/00471/FUL	476 - 478 Stafford Road Wolverhampton WV10 6AN	Bushbury North	Grant subject to conditions	68
12/00666/PA	Land Opposite Dixon House Cleveland Road Wolverhampton	Ettingshall	Grant subject to conditions	74
12/00773/PA	Land Rear Of 41 Lichfield Street, Bow Street Wolverhampton	Bilston East	Grant subject to conditions	79
12/00565/TEL	The Kings C Of E School Regis Road Wolverhampton	Tettenhall Regis	Grant subject to conditions	84
12/00171/FUL	Niphon Works 43 - 68 Lower Villiers Street Wolverhampton	Blakenhall	Delegate to officers power to grant subject to conditions	90

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 is a new provision that was introduced by the Localism Act 2011 and specific guidance will be given by officers where it is appropriate to have regard to matters of this nature in the context of the consideration of a planning application

Conditions

- 1.2 The ability to impose conditions is not unfettered and they must be only imposed for a planning purpose, they must fairly and reasonably relate to the development permitted and must not be manifestly unreasonable. Conditions should comply with Circular Guidance 11/95.

Planning Obligations

- 1.3 Planning Obligations must now as a matter of law (by virtue of the Community Infrastructure Levy Regulations 2010) comply with the following tests, namely, they must be:

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

This means that for development or part of development that is capable of being charged Community Infrastructure Levy (CIL), whether there is a local CIL in operation or not, it will be unlawful for a planning obligation to be taken into account when determining a planning application, if the tests are not met. For those which are not capable of being charged CIL, the policy tests in the National Planning Policy Framework will apply. It should be further noted in any event that whether the CIL regulation 122 applies or not in all cases where a Planning Obligation is being considered regard should be had to the provisions of the National Planning Policy Framework as it is a material consideration.

Retrospective Applications

- 1.4 In the event that an application is retrospective it is made under S73A of the Town and Country Planning Act 1990. It should be determined as any other planning permission would be as detailed above.

Applications to extend Time-Limits for Implementing Existing Planning Permissions

- 1.5 A new application was brought into force on 1/10/09 by the Town and Country (General Development Procedure) (Amendment No 3) (England) Order 2009 (2009/2261) and the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (2009/2262).
- 1.6 This measure has been introduced in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn, so that they can be more quickly implemented when economic conditions improve. It is a new category of application for planning permission, which has different requirements relating to:

- the amount of information which has to be provided on an application;

- the consultation requirements;
 - the fee payable.
- 1.7 LPAs are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application will necessarily have been judged to have been acceptable at an earlier date. The application should be judged in accordance with the test in s.38(6) P&CPA 2004 (see above). The outcome of a successful application will be a new permission with a new time limit attached.
- 1.8 LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission. The process is not intended to be a rubber stamp. LPAs may refuse applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

Reasons for the Grant or Refusal of Planning Permission

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

Right of Appeal

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

The Development Plan

- 2.1 Section 38 of the 2004 Planning and Compulsory Purchase Act confirms that the **development plan**, referred to above, consists of the *development plan documents* which have been adopted or approved in relation to that area.
- 2.2 Wolverhampton's adopted Development Plan Documents are the saved policies of Wolverhampton's Unitary Development Plan (June 2006) and the West Midlands Regional Spatial Strategy.

Environmental Impact Assessment Regulations

- 3.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where proposals are likely to have significant effects upon the environment, it is necessary to provide an Environmental Impact Assessment (EIA) to accompany the planning application. The EIA will provide detailed information and an assessment of the project and its likely effects upon the environment. Certain forms of development [known as 'Schedule 1 Projects'] always require an EIA, whilst a larger group of development proposals [known as 'Schedule 2 Projects'] may require an EIA in circumstances where the development is considered likely to have a "significant effect on the environment".
- 3.2 Schedule 1 Projects include developments such as:-

Oil Refineries, chemical and steel works, airports with a runway length exceeding 2100m and toxic waste or radioactive storage or disposal depots.
- 3.3 Schedule 2 Projects include developments such as:-

Ore extraction and mineral processing, road improvements, waste disposal sites, chemical, food, textile or rubber industries, leisure developments such as large caravan parks, marina developments, certain urban development proposals.
- 3.4 If it is not clear whether a development falls within Schedule 1 or Schedule 2 the applicant can ask the local authority for a "screening opinion" as to which schedule is applicable and if Schedule 2, whether an EIA is necessary.
- 3.5 Even though there may be no requirement to undertake a formal EIA (these are very rare), the local authority will still assess the environmental impact of the development in the normal way. The fact that a particular scheme does not need to be accompanied by an EIA, is not an indication that there will be no environmental effects whatsoever.

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00521/REM

WARD:

Tettenhall Wightwick

RECEIVED: 11.05.2012

APP TYPE: Approval of Reserved Matters

SITE: Land To The Rear Of 201 Castlecroft Road, Castlecroft,
Wolverhampton,

PROPOSAL: Reserved matters pursuant to 10/00517/OUT (erection of two detached chalet bungalows) for the appearance of the proposed dwellings and landscaping of the site

APPLICANT:

Mr Steven Taylor
Crofter Homes
Ridewood House
Wollaston Road
New Wood
Stourbridge
DY7 6RX

AGENT:

Kevin Shakespeare
KJS Residential Design Services
11 Perton Brook Vale
Wightwick
Wolverhampton
WV6 8DS

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site was formerly part of the rear garden area to 201 Castlecroft Road.
- 1.2 The surrounding area is predominantly residential, generally characterised by smaller plots in comparison to the 201 Castlecroft Road.
- 1.3 The site is bounded by properties on Windsor Gardens, Pinewood Close and Aldwyck Drive. There is an expanse of playing fields to the southwest corner of the site.

2. Application details

- 2.1 This application follows an appeal decision to grant outline planning permission for development of the land for the erection of two dormer bungalows. The outline consent granted permission for the access, layout and scale of the development.
- 2.2 This application is for the outstanding reserved matters. Permission is therefore sought for the appearance of the dwellings and the landscaping of the site.

3. Planning History

- 3.1 09/00436/OUT for Erection of 2 detached houses. (Outline Application) - Refused, dated 16.09.2009.
- 3.2 TREE/0013/10/TR for Removal of 1 No. Oak Tree (stump) - Granted, dated 02.06.2010.
- 3.3 10/00517/OUT for Application for outline planning permission with some matters reserved (appearance and landscaping) for erection of two detached chalet bungalows - Refused, dated 06.10.2010. Allowed on Appeal 8th July 2011.

4. Constraints

- 4.1 None

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D7 - Scale - Height

D8 - Scale - Massing

D9 - Appearance

D12 - Nature Conservation and Natural Features

D13 - Sustainable Development Natural Energy

AM12 - Parking and Servicing Provision

AM15 - Road Safety and Personal Security

H6 - Design of Housing Development

N1 - Promotion of Nature Conservation

N5 – Protection of Sites of Local Importance for Nature Conservation and Landscape Features of Value for Wildlife and Geology

N7 - The Urban Forest

Black Country Core Strategy

ENV3 – Design Quality

- 5.2 National Planning Policy Framework

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

7.1 Eight letters of representation were received. These objected to the proposal on the following grounds;

- Loss of privacy and impact on outlook
- Loss of vegetation
- Impact on wildlife
- Noise and disturbance
- Highway safety
- Land ownership

8. Internal Consultees

8.1 **Tree Officers** – No objection subject to a condition requiring tree protection measures during construction.

9. External Consultees

9.1 **South Staff's District Council** – No comments received.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications (LC/25072012/F).

11. Appraisal

11.1 The key issues are: -

- Character and appearance
- Impact on neighbour amenity
- Landscaping
- Land ownership and site access

Character and appearance

11.2 The surrounding area consists of residential dwellings, however there is no distinct architectural character to the appearance of the buildings in the vicinity. The proposed design of the dwellings is acceptable and would not detract from the character and appearance of the area. The proposal is therefore in accordance with UDP policy D9 and BCCS policy ENV3.

Impact on neighbour amenity

11.3 The proposed siting and scale of the building was granted permission as part of the outline consent 10/00517/OUT. The appearance of the building does

include windows at 1st floor in the roof space, however it is considered that the proposal has been satisfactorily designed and located, to avoid adversely affecting the privacy of the surrounding properties on Windsor Gardens, Pinewood Close and Aldwyck Drive to an unacceptable degree. The proposal is therefore considered to be in accordance with UDP policy D8.

Landscaping

- 11.4 The landscaping scheme proposes to retain the majority of the existing boundary vegetation and also provides replacement planting where necessary. The proposed landscaping within the site is considered satisfactory. It shall be conditioned that tree protection measures are provided during construction. The proposal is in accordance with UDP policy D12.

Land ownership and site access

- 11.5 Neighbour objections have been received contesting the ownership of the land and access to the site. When outline planning consent was granted on appeal, permission was given for access to the site from Aldwyck Drive. The potential highway safety issues were taken into account by the planning inspector in his decision at this stage. This issue cannot reasonably be revisited as part of this application.
- 11.6 There has been neighbour objection contesting the ownership of a strip of land by the turning head on Aldwyck Drive. Nothing in any decision made in respect of this application would prejudice any private rights that the owners of the land may enjoy. The contested ownership of this land is therefore not a material planning consideration.

12. Conclusion

- 12.1 The appearance and landscaping details of the proposed development are satisfactory and in accordance with UDP policies D8, D9, D12 and BCCS policy ENV3.
- 12.2 Other matters relating to the access, scale and layout of the site cannot be considered at this stage as planning consent has already been given for these aspects of the development.

13. Recommendation

- 13.1 That Planning Application 12/00521/REM be granted, subject to the following conditions:
- Materials and boundary treatment details
 - Implementation of landscaping
 - Tree protection measures during construction

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



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Planning Application No: 12/00521/REM

Location	Land To The Rear Of 201 Castlecroft Road, Castlecroft, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387313 297688
Plan Printed	24.07.2012	Application Site Area	781m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00596/FUL **WARD:** Park

RECEIVED: 29.05.2012

APP TYPE: Full Application

SITE: Halfway House, 151 Tettenhall Road, Wolverhampton

PROPOSAL: Erection of a medical surgery with associated parking and refurbishment of former public house building to provide a pharmacy and optician with residential accommodation above.

APPLICANT:

Mr Tony Baker
Lyric Ltd.
1A, Clarke Road
Wolverhampton
WV3 9NW

AGENT:

Alan Smith
Alan Smith Associates
2 Mill Lane
Feckenham
Redditch, Worcestershire
B96 6HY

COMMITTEE REPORT:

1. Site Description

- 1.1 The application relates to the former Halfway House PH. The Halfway House building is situated prominently on the corner of the corner of Tettenhall Road and Paget Road. There is vehicular access to the site from Paget Road. The site is located in the Tettenhall Road Conservation Area and the building is on Council's 'local list' of buildings of historic interest.
- 1.2 The building is currently unoccupied and has been February 2008. There are several protected trees within the site. These include a line of lime trees to the front of the site which are parallel with the Tettenhall Road.

2. Application details

- 2.1 The proposal is for the erection of a doctor's surgery within the grounds of the former Halfway House public house. It is also proposed to convert the building Halfway House building into a pharmacy and opticians with two residential apartments at 1st and 2nd floor.
- 2.2 It is proposed that the new doctor's surgery would accommodate the relocation of the existing surgery at 80 Tettenhall Road. This surgery has outgrown its premises and it's building is unable to meet modern practice needs. It is also proposed that the new practice would increase services to patients over the next 10-20 years.
- 2.3 The new surgery building would be single storey covering 472 square metres providing five consulting rooms. It is proposed to provide 33 car parking spaces, including two spaces allocated for the residential units. The application has been supported by a Transport Assessment assessing the potential impact

on the access and anticipated parking provision. The building's finished appearance would use three primary materials brick, render and timber cladding with a modern design.

- 2.4 The existing Halfway House building would be converted to provide a pharmacy and opticians at ground floor level. These would operate as an ancillary function to the doctor's surgery. The upper floors of the Halfway House building would be converted into one 1-bedroom and one 2-bedroom apartment.
- 2.5 It is proposed that the doctor's surgery would open 08:00-19.30 hours Monday to Friday. The optician and pharmacy would open 09:30-18.30 Monday to Friday and 09:30-16.30 hours on Saturday (with the optician opening to 17.30 on Saturday). Deliveries and collection of refuse would occur within these hours.

3. Planning History

- 3.1 Several planning applications relating the operation of the former public house.

4. Constraints

- 4.1 Tettenhall Road Conservation Area
Locally Listed Building
Tree Preservation Orders

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain
D5 - Public Realm Public Open Private Space
D6 - Townscape and Landscape
D7 - Scale - Height
D8 - Scale - Massing
D9 - Appearance
D10 - Community Safety
D11 - Access for People with Disabilities part
D12 - Nature Conservation and Natural Features
D13 - Sustainable Development Natural Energy
EP1 – Pollution Control
EP4 - Light Pollution
EP5 - Noise Pollution
N7 – The Urban Forest
N9 - Protection of Wildlife Species
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
HE3 - Preservation and Enhance of Conservation Areas
HE4 - Proposals Affecting a Conservation Area

HE5 - Control of Development in a Conservation Area
HE7 – Underused Buildings and Structures in a Conservation Area
HE8 – Encouragement of Appropriate Redevelopment in Conservation Areas
HE11 – Shop Fronts and Advertisements in Conservation Areas
H6 - Design of Housing Development
C1 – Health, Education and other Community Services
C3 - Community Meeting Places
C7 – Medical Practices in Residential Areas.
C8 – Access to Medical Practices

Black Country Core Strategy

CSP1 – The Growth Network

CSP4- Place Making

HOU5 – Education and Health Facilities

CEN6 – Meeting Local Needs for Shopping and Services

5.2 National Planning Policy Framework

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

7.1 No representations received.

8. Internal Consultees

8.1 **Tree Officers** – No objection subject to tree protection measures during construction and 'no dig' construction method for paving under the Elm and Plane trees adjacent to Tettenhall Road.

8.2 **Transportation Development** – No objection subject to the provision of adequate cycle and motorcycle storage and road markings and signage advising drivers to turn left when exiting the site and road markings to discourage inappropriate parking on the access drive.

8.3 **Environmental Health** – No objection subject to conditions restricting hours of operation/delivery and details of noise insulation measures for the residential accommodation.

- 8.4 **Planning Policy Section** – No objection subject to a condition restricting the use of the retail unit as a pharmacy only.
- 8.5 **Historic Environment Team** – No objection subject to the submission of details relating to joinery, rooflight, materials and signage.

9. **External Consultees**

- 9.1 **CAMRA** – Objects to the proposal on the followings grounds;
- Loss of a community meeting place and submission does not address UDP policy C3.
 - Alterations/extensions would harm the appearance of the building
 - No accessibility to residential apartments for disabled persons.
 - The junction would not be able to cope with the increased level of traffic movements leading to congestion and potentially traffic accidents.

10. **Legal Implications**

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 In addition, when an application is situate in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 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 Section 73 of the Act (LC/25072012/C)

11. **Appraisal**

- 11.1 The key issues are: -
- Character and appearance
 - Conservation Area
 - Impact on neighbour amenity
 - Access and parking
 - Loss of community facility
 - Trees
 - Impact of neighbour amenity

Character and appearance

- 11.2 The proposed doctor's surgery has been well located within the site to preserve the openness of the land adjacent to the Halfway House building which forms an important characteristic of the Tettenhall Road Conservation Area. The siting of the building would not disturb the important line of Lime trees which extend parallel to the Tettenhall Road.

- 11.3 The building would be single storey and set back away from the Tettenhall Road within the site. Its scale would appear subordinate to the former public house, therefore maintaining the Halfway House building as the prominent building within the site. The modern design of the proposed surgery is appropriate and the character and appearance of the development is acceptable.
- 11.4 The former building is unoccupied and has been since the closure of the public house in 2008. Its conversion into an opticians and pharmacy with residential accommodation above would bring this important and prominent building back into an active use and securing its future. The minor alterations/extensions to the rear and side of the building are appropriate in their scale and appearance. The installation of security shutters is unfortunate, however as they would be fixed internally and of a grille design they would not unduly affect the appearance of the building.
- 11.5 The proposal would be in accordance with UDP policies D4, D5, D6, D9 and BCCS policy ENV3.

Conservation Area

- 11.6 The former Halfway House PH is a historically important building; it is locally listed and in the Tettenhall Road Conservation Area. The proposed development and conversion of the building would have a positive impact by bringing a vacant building back into an active use.
- 11.7 The proposed doctors surgery building has been appropriately positioned within the site to preserve the open space adjacent to the former PH building which is considered to be an important characteristic of the conservation area. Its single storey would not compete with the scale and setting of the former public house building.
- 11.8 The proposed development and refurbishment of the historic building would positively enhance the appearance of the conservation area. The proposal is therefore in accordance with UDP policy HE3, HE4, HE5, HE7, HE8 and HE11.

Access and parking

- 11.9 The proposal would use the existing access from Paget Road and include a parking provision for up to 33 vehicles within the site including two designated spaces for the residential dwellings. The level of parking is considered appropriate for the proposed use.
- 11.10 It is acknowledged that the proposed surgery would intensify the use of the access from Paget Road. The application has been adequately demonstrated that the proposed use could be accommodated without causing a significantly adverse impact on the highway network. In the interests of highway safety, due to the restricted visibility and potential to block oncoming traffic approaching from the signalised junction when turning right it shall be conditioned that signage and road surface markings be provided advising drivers to turn left only when exiting the site.
- 11.11 The proposed parking and access arrangements are considered satisfactory and in accordance with UDP policy AM12 and AM15.

Loss of community facility

- 11.12 The proposed conversion of the building into an optician and pharmacy would involve the loss of a public house which is a community meeting place and therefore subject to policy C3 of the UDP. It has been demonstrated that the building has been vacant for 3 years and there has been no market interest in using the premises as a public house. The submission also adequately demonstrates that there are a number of other pubs providing similar facilities within walking distances of the site and a further material consideration is that that the proposed use will be of community benefit. It is therefore considered that the proposal is in accordance with UDP policy C3.

Retail use

- 11.13 The proposed pharmacy would form a retail use and the site is not within a defined centre. Although the submission has not demonstrated that the use could not be accommodated in a nearby centre it is acknowledged that the unit forms an integral part of the health centre. Provided that the use of the building is conditioned which limits use of the retail unit as a pharmacy only it is considered that the proposal would not conflict with policy CEN6 of the BCCS.

Trees

- 11.14 The site contains a number of protected trees. Those most visually prominent form a row a lime trees adjacent to the Tettenhall Road with an Elm and Plane tree adjacent to the Halfway House building. The proposed development would not adversely impact on these trees. The development would require the removal of five protected trees which are located to the rear of the site to accommodate the building and parking.

- 11.15 On balance it is considered that the loss of the trees to the rear of the site can be accepted due to the potential benefits of the development and that the more visually prominent row of trees to the front of the site would be unaffected by the proposal. Further planting, to offset the loss of trees to the rear of the site, can be conditioned and required as part of a landscape scheme.

- 11.16 The proposal is therefore satisfactory in respect of UDP policies D12 and N7.

Impact on residential amenity

- 11.17 There are several residential properties that share a boundary or are in close proximity to the development site. It is considered that the development of the site, refurbishment and occupation of the Halfway House building, to the hours proposed, would not adversely affect residential amenity to an unacceptable degree. The proposal is therefore in accordance with UDP policy D7, D8 and D10 of the adopted UDP.

12. Conclusion

- 12.1 The proposed development would enable the refurbishment of a historically important building and provision of modern medical facility. The former public house has been vacant since its closure in 2008 and the proposed development would bring the building and site back into an active use and secure its future. It would provide an important facility for the local community and enhance the appearance of the site.

- 12.2 The proposed doctor's surgery has been well designed, adopting a contemporary architectural style. The building does not compete with the historic Halfway House in terms of scale or massing as it is set back within the site. The submission demonstrates that the proposed development and use would have a satisfactory parking provision and would not have a significantly adverse impact on the surrounding highway network.
- 12.3 The submission has satisfactorily demonstrated that despite marketing attempts there has been no interest in using the building as a public house. It has also been shown that there are other drinking establishments within a reasonable distance to meet the local needs. Also taking into account that the proposed use will provide an important community facility it is considered that the submission has satisfactorily addressed UDP policy C3.
- 12.4 It is not considered that the proposal would conflict with policy CEN6 provided that it is conditioned that the retail use will be for a pharmacy use only.
- 12.5 The proposed use and development would not adversely affect residential amenity to an unacceptable degree.
- 12.6 The development would not adversely impact on the line of lime trees adjacent to the Tettenhall Road. Although the development would result in the loss of several trees within the site their loss can be accepted due to the potential benefits of the development and that the more visually prominent trees adjacent to the Tettenhall would not be adversely affected by the development.

13. Recommendation

- 13.1 That Planning Application 12/00596/FUL be granted, subject to the following conditions:
- Materials
 - Joinery details
 - Landscaping and boundary treatment
 - Hours of opening/delivery
 - Retail use pharmacy only
 - Hours of operation during construction
 - Cycle parking
 - 'Left turn' signage and road markings to discourage parking on access road
 - Noise insulation measures for residential accommodation
 - Tree protection measures during development and 'no dig' method

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



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Planning Application No: 12/00596/FUL

Location	Halfway House, 151 Tettenhall Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 389881 299171
Plan Printed	24.07.2012	Application Site Area	4564m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 11/01198/FUL

WARD: Penn

RECEIVED: 20.12.2011

APP TYPE: Full Application

SITE: The Warstones Inn, Warstones Road, Wolverhampton

PROPOSAL: To change the use of a public house into a pet vaccination clinic. The proposal includes the construction of a rear extension to house the kennel ward and various operating and prep spaces. (Amended Plans)

APPLICANT:

Mr Jonathan Stirling
Your Vets
Pet Vaccination Clinic
Unit 2 Rumbush Farm
Rumbush Lane
Solihull
B94 5LW

AGENT:

Mrs Lisa Anderson
Hunter patel creative group
Bridge House
Station Road
Lichfield
Staffordshire
WS13 6HX

COMMITTEE REPORT:

1. **Site Description**

- 1.1 The application site is currently trading as a public house. The site has extensive parking to the frontage, and a large area of garden land to the rear.
- 1.2 The surrounding area is predominantly residential, with residential dwellings adjoining the site along north and south boundaries, and open space abutting the rear eastern boundary. West of the site is Warstones Road with residential properties beyond.

2. **Application details**

- 2.1 It is proposed to change the use of the public house into a "Pet Vaccination Clinic". The proposal includes internal alterations to the existing public house, to provide a waiting room, reception pharmacy, offices, consulting rooms, prep area and toilet facilities. The proposal includes two extensions, to the rear/side of the premises. These will house isolation areas, cat/dog wards, dental, x-ray, theatre, lab and staff/kitchen rest areas. Opening hours 8.00 – 20.00 Monday to Friday, 9.00 – 16.00 Saturday and Sunday/Bank Holidays 10.00 – 14.00. The proposal would also create employment with eight full time and eight part time positions.
- 2.2 The proposed extension along the southern aspect measures 4.8m wide x 8.m deep. The extension along the northern/eastern aspect measures 8.8m deep x 7.6 wide. Both elements are to be built in materials to match the existing

property, and the design incorporates flat roofed single storey structures with a parapet wall detail.

- 2.3 Other alterations are also proposed in the form of a new disabled access ramp to the frontage, small enclosed fenced area and blocking up of existing windows.

3. Constraints

- 3.1 Mining Advice area

4. Relevant Policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan

AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
B5 - Design Standards for Employment Sites
C3 - Community Meeting Places
D4 - Urban Grain
D6 - Townscape and Landscape
D7 - Scale - Height
D8 - Scale - Massing
D9 - Appearance
D11 - Access for People with Disabilities part
EP1 - Pollution Control
EP3 - Air Pollution
EP4 - Light Pollution
EP5 - Noise Pollution
SH4 – Integration of Development into Centres

Other relevant policies

- 4.2 National Planning Policy Framework
- 4.3 Black Country Core Strategy (publication document Nov 2009).
ENV3 - Design Quality
EMP1 - Providing for Economic Growth and Jobs
ENV8 - Air Quality
CEN7 – Controlling Out-Centre Development
CEN5 – District and Local Centres

5. Environmental Impact Assessment Regulations

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

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

6. **Publicity**

- 6.1 2 letters of objection received and a petition with 116 signatures.

Objections relate to:

- Principle of the change of use and loss of public house
- Maintenance of land to rear which could lead to rodent infestation
- Future use of land to the rear
- Noise associated with usage
- Hazardous waste

7. **Internal Consultees**

7.1 **Environmental Health –**

Limit the potential for noise disturbance from howling and barking during night and day, by building the extensions to a specification that is sufficiently high enough to prevent such noise break out.

Consideration to the reorientation of the kennelling area so that it overlooks the open land to the rear, and the use of non-opening windows (trickle vents or similar should be acoustically treated), or the departure from the use of any windows on the western façade.

Air conditioning system is incorporated in to the design of the development in order to reduce the need for open windows. The choice and location of the condensers should be carefully considered.

Time restrictions during construction phase are required due to close proximity of residential properties, and any external lighting should be suitably positioned.

7.2 **Transportation Development –** No objection subject to following conditions:

- Servicing of the site restricted to between 9.30am and 2.30pm so as not to be in school travel times.
- Covered and secure cycle/motorcycle parking for staff (min 6 spaces total)
- Disabled bays to include 1.2m wide protection zone to one end of bay in addition to side of bay.

7.3 **Planning Policy–**

Change of use from A4 (Public House) to D1 (Veterinary Clinic). The proposal is for 381sqm of floorspace (255sqm existing floor space and a proposed additional floorspace of 126sqm). The site occupies an out-of-centre location in National Planning Framework, CEN7 of the Black Country Core Strategy and

the saved UDP Policy SH4. There is not considered to be any conflict between the proposal and the National Planning Policy Framework.

Notwithstanding the specific factors why the applicant regards locating in Warstones Local Centre as inappropriate, the Council are unaware of any sites within or on the edge of Warstones Local Centre which would accommodate the proposals, nor is there any clear evidence that change of use would cause any significantly adverse impacts on Centres. Therefore, the proposal accords with Policies CEN5 and CEN7 of the Core Strategy.

In terms of the existing use, it appears “The Warstones Inn” is currently still trading. The applicant states that the public house is currently ‘falling in trade and is likely to become derelict’ and there is a ‘saturation of pubs in the local area’.

In respect of saved Policy C3 of the UDP, the applicant does provide some information/analysis about the specifics of the local area, no evidence has been provided, in respect of marketing, to confirm that retention of the facility would not be economically viable. However, although the public house has not been marketed, it is acknowledged and is clearly demonstrated that there are three other existing facilities in locations that are reasonably accessible, including on foot by members of the community served, which would accommodate any community activities displaced by the proposed development.

These public houses are as follows:

- The Springhill Public House (corner of Warstones Road & Springhill Lane)
- Hollybush Inn (corner of Penn Road and Hollybush Lane)
- Merry Hill Public House (Trysull Road)

Therefore, Planning Policy does not object to the loss of this community use.

7.4 **Parks** – No objections

8. **External Consultees**

8.1 **CAMRA**

Insufficient information to satisfy Policy C3, as follows:

- Public House Operation
- Marketing, or proof of testing the market
- Details of alternative facilities within easy walking distance
- Details of similar facilities which could accommodate any community activities if displaced
- Suitability of alternative facilities

Other concerns:

- Proposed usage not consistent with a residential area
- Nuisance to neighbours through noise related issues

- Further clarification on why they have chosen this particular site, and no alternative sites

9. **Legal Implications**

9.1 General legal implications are set out at the beginning of the schedule of planning applications.[LD/2307012/B]

10. **Appraisal**

10.1 The key issues are: -

- **Principle of Change of use**
- **Design/Street Scene**
- **Layout/Parking**
- **Neighbouring Amenities**

Principle of Change of Use

10.2 Public Houses provide an essential service to the community, and there is a presumption in favour of retaining such facilities. The applicant has demonstrated that there is adequate provision of this type of community facility within this particular part of Wolverhampton City. This coupled with a change in customer demand; resulting in a fall in custom, leading to the development this application proposes.

10.3 The information/analysis submitted with the application, in respect of the specifics of the local area, does not comply with point 4 of the saved Unitary Development Plan Policy C3 (that retention of the facility would not be economically viable) as the premises have not been marketed. However, although the public house has not been marketed, it is recognised that there is a relatively good provision of public houses within reasonable walking distance of the site which would serve the local community, should the change of use take place.

10.4 It is CAMRA'S opinion that the public houses within this catchment area, are different to those facilities offered at "The Warstones Inn" with an emphasis on food, with a family orientated atmosphere, or are too far away. Nevertheless, these neighbouring public houses are all categorised under the same UDP Policy C3 "Community Meeting Places", and although they offer a different type of environment, they still provide an establishment for drinking/meeting, within an acceptable distance and it is therefore considered, that these alternative facilities would accommodate community activities displaced by the proposed development.

10.5 It is acknowledged that the proposed usage as a "Veterinary Clinic" is normally suited to a District or Local Centre location, which would provide particularly for day-to-day convenience shopping and local service needs. The proposed size, would also exceed that normally allowed for small-scale local facilities outside defined centres. However, notwithstanding the specific factors of Policies CEN5 and CEN7 of the Black Country Core Strategy, the Council are unaware of any other sites within or on the edge of Warstones Local Centres which

could accommodate this proposal, nor is there any clear evidence that the use would cause any significantly adverse impacts on Centres. Therefore, the proposed use is considered to be acceptable in principle.

Design/Street Scene

- 10.6 The existing public house is set significantly back from the main highway, with a large area of parking to the frontage. From the street scene the majority of the building would appear as exists, as the proposed two small areas of extension are screened by a feature boundary wall/ornate gates, or hidden behind the existing building. The two single storey extensions have also been acceptably designed with a parapet finish in keeping with the existing character and appearance of the property, and the surrounding street scene.

Layout/Parking

- 10.7 The existing building is set in substantial grounds especially to the rear of the property. There is sufficient land to support both the extensions and their use. There has been some concern raised by neighbours in respect of the land to the rear, and the intention of its use. The land is to remain as garden space, and would be maintained as such. A condition to ensure that the land is properly maintained will be incorporated in the decision.
- 10.8 The parking associated with the use is considered to be sufficient; however, due to the location of the public house, within close proximity and on a main route to local schools, conditions would be necessary restricting servicing between 9.30 and 2.30pm so as not to conflict with school travel times. Secure and covered cycle/motorcycle parking for staff would also be required with a minimum of 6 spaces in total.
- 10.9 Details of bin storage, and especially clinical waste would also be necessary, and should be conditioned and submitted for further assessment.

Neighbouring Amenities

- 10.10 There is some neighbouring concern as to the proposed use of the premises as a "Veterinary Clinic", and the extensions proposed.
- 10.11 It is considered that the proposed extensions would have little impact on neighbouring amenities such as outlook, light, sunlight and privacy, due to the size and location of the proposed extensions, being of a single storey construction, and set well in from neighbouring boundaries.
- 10.12 The applicants have amended the plans, altering the internal layout, providing Non openable UPVC high level casement windows to the cat/dog wards, to prevent noise outbreak. The windows (especially those to the western façade) should also display trickle vents or similar and be acoustically treated, which will be conditioned accordingly.
- 10.13 Any proposed air conditioning system will also need to be incorporated into the design of the development in order to reduce the need to open windows, and the choice and location of condensers will be required to be submitted for further assessment, to ensure that they are not a potential source of noise disturbance to surrounding properties.

11. Conclusion

- 11.1 Whilst the application does not meet the requirement in Policy C3 of the Unitary Development Plan that the public house should have been marketed, this is not relevant given the number of alternative public houses in the vicinity. The applicant has therefore justified the reasoning for the loss of this community use. The proposed use, would enable “Your Vets” to grow as a business, offering an upgraded facility securing its future, and offering scope for employment for local people, with eight full time and eight part time positions.

The location although, outside a local centre, it is accepted that there are no sequentially more acceptable sites and the use would provide a specific service for this part of the City, which is currently unavailable, and the veterinary service would have no detrimental impact on current uses within nearby local centres.

The proposed layout/alterations would have no significant impact on neighbouring amenities, and conditions imposed would also protect neighbouring properties, from any potential disturbance in the future. Parking/Access is also acceptable subject to conditions.

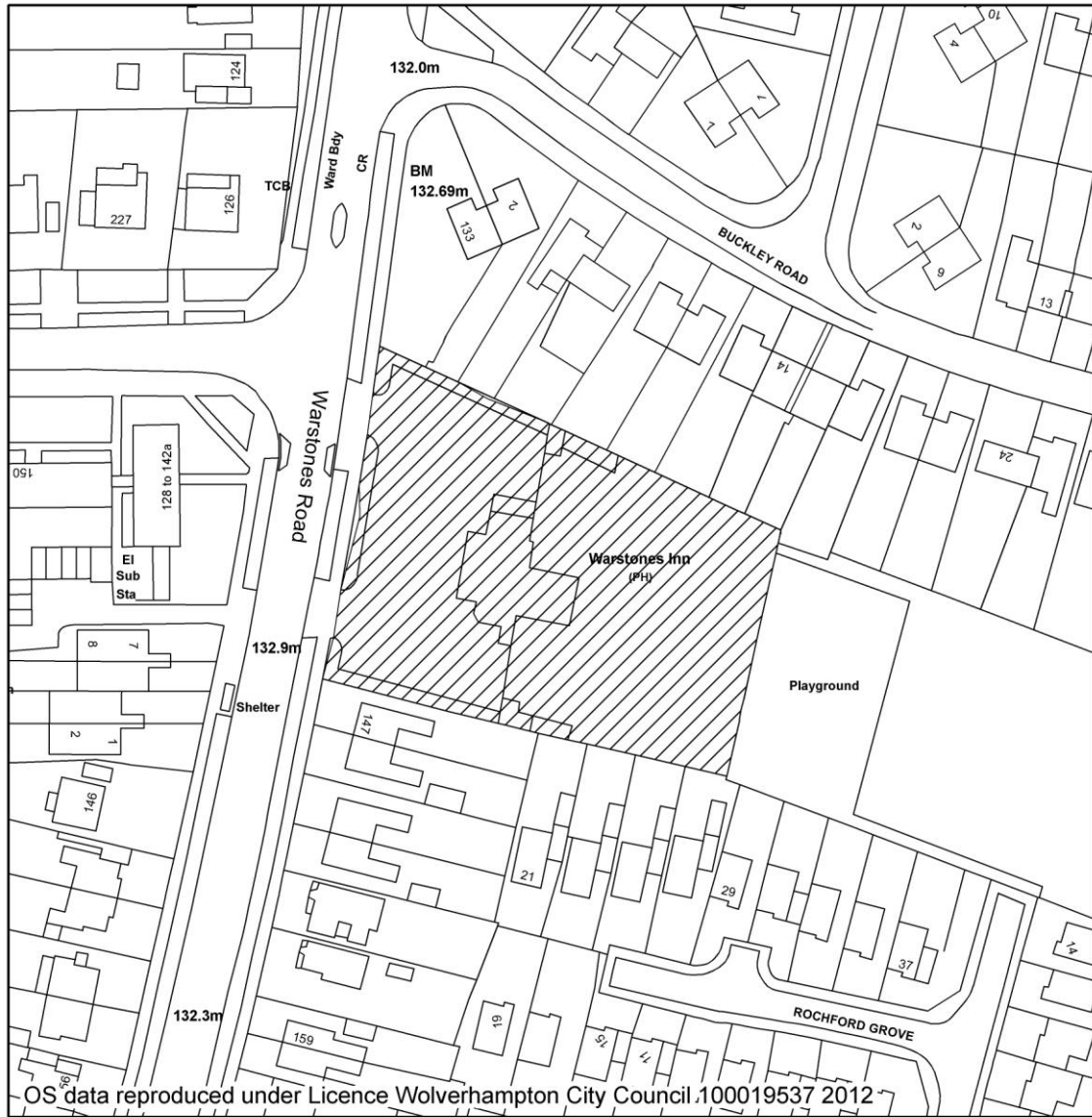
Therefore the proposal complies with relevant Black Country Core Strategy and Unitary Development Plan Policies, subject to conditions.

12. Recommendation

- 12.1 That planning application 11/ 01198/FUL be granted planning permission, subject to any appropriate planning conditions including the following:

- (i) Matching Materials
- (ii) Parking Areas (layout of disabled bay)
- (iii) Cycle Parking (six staff)
- (iv) Opening Hours
- (v) Restriction of working hours during Construction Phase
- (vi) Restricted Servicing times
- (vii) Details on Ventilation System/Control of Noise, vibration and odour
- (viii) Acoustic Glazing Detail
- (ix) Maintenance of garden area
- (x) Bin Storage

Case Officer : Ms Tracey Homfray
Telephone No : 01902 555641
Head of Planning – Stephen Alexander



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Planning Application No: 11/01198/FUL

Location	The Warstones Inn, Warstones Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 388804 296172
Plan Printed	24.07.2012	Application Site Area	3530m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00064/FUL

WARD: Graiseley

RECEIVED: 11.01.2012

APP TYPE: Full Application

SITE: United Services Club, Humber Road, Wolverhampton

PROPOSAL: Change of use from social club to place of worship and single storey extension to the rear and projecting balcony to the front. Proposed opening hours of 6am until 12.30am September to March (inclusive) and 4.30am to 12.30am April to August (inclusive).

APPLICANT:

Mr Yusuf Shafi
United Services Club
Humber Road
Wolverhampton
WV3 0BU

AGENT:

Mr Hugh Moreton
37 Grassington Drive
Nuneaton
CV11 6WP

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site occupies a corner position and fronts on to Great Brickkiln Street. The building is located to the front of the site and is surrounded to the sides and rear by parking spaces. It is accessed from the elevation facing Great Brickkiln Street.
- 1.2 The site is bordered to the north by a Council-owned play area, to the east by Humber Road, to the west by a strip of open space and dwellings.
- 1.3 The immediate wider area comprises shops, industrial units and dwellings.

2. Application details

- 2.1 The building is currently vacant. It was last used as a social club. However, there is no record of planning permission being granted for this, so there are no restrictions on hours of opening.
- 2.2 The application is to change the use of the building to a place of worship with opening hours of 0600 until 0030 September to March (inclusive) and 0430 to 0030 April to August (inclusive).
- 2.3 The application also includes a projecting balcony to the front and a single storey extension to the rear.

3. Planning History

3.1 There is no relevant planning history at the site.

4. Constraints

4.1 Mining advice area

5. Relevant Policies

The Development Plan

5.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D7 - Scale – Height

D8 - Scale – Massing

D9 - Appearance

AM1 – Access, Mobility and New Development

AM12 – Parking and Servicing Provision

AM15 – Road Safety and Personal Security

EP5 – Noise Pollution

EP4 – Light Pollution

C3 – Community Meeting Places

R4 – Development Adjacent to Open Spaces

Other relevant policies

5.2 NPPF - National Planning Policy Framework

5.3 Wolverhampton's Supplementary Documents
SPG6 – Places of Worship

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

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

- 7.1 53 letters and a 196-signature petition objecting to the scheme on the following grounds:
- Unacceptable increase in traffic
 - Insufficient parking provision
 - Busy junction adjacent to the site
 - Noise disturbance
 - Increase in crime
 - Visually unacceptable
- 7.2 Three letters of support have been received.

8. Internal Consultees

- 8.1 **Environmental Health** – no objections subject to a condition to restrict number of attendees before 0700 to eight, no amplified music.
- 8.2 **Transportation Development** – Concerns regarding the scale and nature of the proposal, and the potential for additional on-street parking in the local area. In order to militate against these issues appropriate off-site parking arrangements during peak worshipping times would need to be provided. Traffic regulation orders to restrict inappropriate on-street parking would also be required along Great Brickkiln Street at its junctions with Humber Road, Kimberley Street, Ashland Street and Roseberry Street, and also at the junction of Humber Road and Laburnum Road. Provision of covered and secure cycle storage for a minimum of 10 cycles and 2 motorcycle bays with security fixings would need to be provided.
- 8.3 **Leisure** – no response

9. External Consultees

- 9.1 **Fire Service** – no response

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/23072012/S

11. Appraisal

- 11.1 The key issues are: -
- Principle of Change of Use
 - Noise
 - Parking

- Design of projecting bay window/extension

Principle of Change of Use

- 11.2 The application site is currently vacant but was previously used as a social club. There is no objection in principle to the change of use as a place of worship is a meeting place and therefore is a community use. There is no evidence to suggest that this would lead to an increase in crime, as has been raised as an objection during the neighbour consultation process. The proposal would therefore comply with UDP policy C3.

Noise

- 11.3 The proposal includes hours of opening from 0430 April to August (inclusive) and 0600 for the remainder of the year. The nearest dwelling is located approximately 21m from the nearest point of the application building. However, this dwelling shares a boundary with the application site, and parking spaces are located immediately adjacent to the fence. Therefore, it is necessary to ensure that the number of visitors in the early morning is conditioned in order to prevent an unacceptable, detrimental impact on the amenity of these neighbouring dwellings. Limiting the number of occupants of the building before 0700 to eight would secure the amenity of these dwellings and comply with UDP policy EP5.

Parking

- 11.4 The proposal includes 41 parking spaces within the application site. The transportation officer has concluded that the minimum car parking demand would be 62 and the maximum would be 92, dependent on the levels of car occupancy. The transportation officer has recommended that further off site provision is found and that the applicant funds the installation of traffic regulation orders as required around the site. This can be dealt with via a Section 106 agreement.
- 11.5 However, the regular busy times at the building would be during off-peak hours. Therefore, the off-site car parking facility is not considered necessary. The residual cumulative impact from the proposed parking provision would not be considered severe, particularly with the installation of traffic regulation orders to protect the busy junction adjacent to the application site. Therefore, the proposal, with the traffic regulation order, would comply with the NPPF. Whilst the proposal would not comply with UDP policies AM12 and AM15, there are mitigating factors that must be considered. There is no record of a planning permission being granted for the change of use to the existing social club – however the building has been operating under this use for more than ten years. This means that the building can be used as a social club without restriction on the hours of operation and is lawful. In addition, the existing building is vacant and the proposal would bring the building back in to use. The proposal is for a community use, which is appropriate at this location.

Design of Bay Window/Extension

- 11.6 The proposed projecting area to the front of the existing building would complement the appearance of the existing building. The extension to the rear of the building would be minimal in relation to the existing building and would 'infill' a gap between two existing projections. To the front elevation, the semi-circular projection would be located at first floor level and feature vertical glazed panels. Neither this projection nor the rear extension would detract from the

appearance of the existing building. It can be conditioned that the materials used would match the existing building. Therefore the proposed extension and alteration would comply with UDP policies D7, D8 and D9 and BCCS policies ENV3 and CSP4.

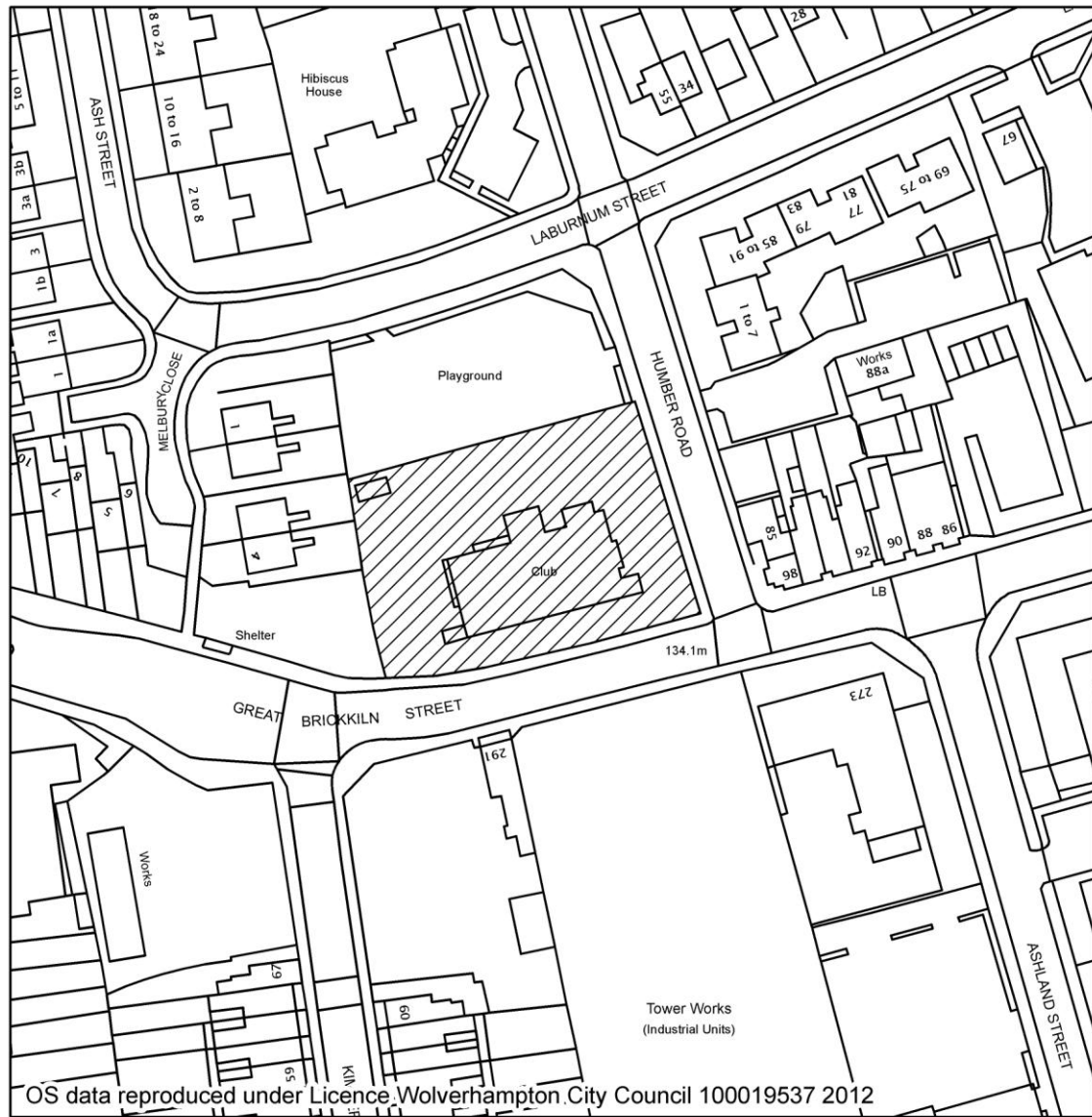
12. Conclusion

- 12.1 The principle of the change of use would be acceptable as both the existing and proposed uses are community uses and acceptable at this location.
- 12.2 By virtue of specifically restricting the number of attendees before 0700 there would be negligible, if any, detrimental impact on the amenity of the neighbouring dwellings.
- 12.3 The proposed on-site parking provision and installation of traffic regulation orders would ensure that there is not an unacceptable impact on highway safety or the free flow of traffic.
- 12.4 The design of the proposed front projection and rear extension would complement the appearance of the existing building.
- 12.5 The proposal would comply with the NPPF, BCCS policies ENV3 and CSP4 and UDP policies D4, D6, D7, D8, D9 D4, AM1 EP5, EP4, C3, R4. It does not comply with UDP policies AM12 and AM15.

13. Recommendation

- 13.1 That planning application 12/00064/FUL be granted subject to:
- (1) The completion of a S106 agreement stating that the applicant will fund any necessary traffic regulation orders
- (2) Any appropriate planning conditions including the following:
- Submission of materials
 - No amplified music
 - No 'call to prayer'
 - No more than eight people on site between designated morning opening hours and 0700 on any day
 - The internal layout to remain as shown
 - Motorcycle bays and secure cycle store are provided
 - Opening hours restricted to 0600 until 0030 September to March (inclusive) and 0430 to 0030 April to August (inclusive).
 - Parking layout to be as shown
 - Provision of Traffic Regulation Orders prior to first use

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



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Planning Application No: 12/00064/FUL

Location	United Services Club, Humber Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390449 298158
Plan Printed	24.07.2012	Application Site Area	1943m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00385/FUL

WARD: Ettingshall

RECEIVED: 02.04.2012

APP TYPE: Full Application

SITE: Land To The East Of Ettingshall Road And Ward Street,, Ettingshall, Bilston, Wolverhampton

PROPOSAL: Hybrid planning application for residential development. 'Full' permission for 224 houses and public open space to West of Ward St. 'Outline' permission for up to 250 homes, public open space and reconfiguration of school playing fields to the East of Ward St (all matters reserved except access).

APPLICANT:
Persimmon Homes West Midlands Ltd
C/o Agent

AGENT:
Harris Lamb Ltd
75-76 Grosvenor House
75-76 Francis Road
Edgbaston
Birmingham
B16 8SP

COMMITTEE REPORT:

1. Site Description

- 1.1 This is a 24 hectare site, bounded by Ettingshall Road to the west, Birmingham Main Line canal to the south, Wolverhampton Street to the east and Hall Park to the North. Ward Street, runs through the site on a north-south axis. Bilston town centre is approximately 800m to the east.
- 1.2 A previous planning permission (06/0462/OP) for redevelopment of the site has been partially implemented, with approximately 35 houses constructed so far. The remainder of the site has been cleared in preparation for development.
- 1.3 The primary access points to the site are from Ettingshall Road and Ward Street. Existing access to the Bilston C of E School is provided off Albany Crescent. The Midlands Metro is approximately 600m from the site and there are bus services operating along the Bilston Road and Millfields Road.

2. Application Details

- 2.1 The application is a 'hybrid' (part full, part outline) for residential development. The 'full' part comprises 224 houses and public open space to the west of Ward Street. The 'outline' part is for up to 250 homes, public open space and reconfiguration of school playing fields to the east of Ward Street. Details of access are submitted for the outline part. All other matters of detail are reserved for subsequent approval.

3. Planning History

- 3.1 06/0462/OP/M. Residential development to provide at least 520 dwellings, together with associated retail and community use, reconfiguration of Bilston C of E School playing fields and new improved public open space. Granted 6/11/07. The period for submission of further reserved matters has expired.
- 3.2 10/00043/REM Reserved Matters application pursuant to outline planning permission 06/0462/OP for erection of 62 dwellings. Granted 10/11/10.

4. Constraints

- 4.1 Recreational Open Space
Mineral Safeguarding Area
Landfill Gas
Mining Areas
Sites and Monuments Entry
Authorised Process

5. Relevant Policies

- 5.1 Wolverhampton Unitary Development Plan (UDP)

D1 Design Quality
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
D12 Nature Conservation and Natural Features
D13 Sustainable Development Natural Energy
N7 The Urban Forest
R7 Open Space Requirements for New Develop.
H1 Housing
H3 Housing Site Assessment Criteria
H6 Design of Housing Development
H9 Housing Density and mix
AM9 Provision for Pedestrians
AM10 Provision for Cyclists
AM12 Parking and Servicing Provision
AM15 Road Safety and Personal Security

- 5.2 Black Country Core Strategy (BCCS)

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 National Planning Policy Framework (NPPF)

5.4 Supplementary Planning Documents

SPG3 Residential Development
SPG 16 Public Art
SPD Affordable Housing
Ward Street Development Brief (2006)

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

7.1 One letter has been received from a local resident, concerned about the loss of existing open space and its replacement with housing.

8. Internal Consultees

8.1 **Environmental Services** – No objection in principle subject to appropriate ground remediation and noise mitigation.

8.2 **Ecology** – No objection subject to the habitat survey recommendations being implemented.

8.3 **Tree Officers** – No objection subject to a tree survey and appropriate protection measures being implemented for retained trees.

- 8.4 **Archaeology** – No objections subject to submission of a desk-based assessment of the heritage assets.
- 8.5 **Landscape** – No objections
- 8.6 **Transportation Development** – No objections in principle, subject to the resolution of some detailed design issues and mitigation works being undertaken to the junctions of Millfields Road/Ettingshall Road/Parkfield Road and Bilston Road/Ward Street/Stowheath Lane, in order to increase capacity.
- 9. External Consultees**
- 9.1 **Severn Trent** - No objection subject to a satisfactory drainage strategy.
- 9.2 **Canal & River Trust** – No objection in principle subject to further detail regarding landscaping proposals adjacent to the canal and measures to ensure the protection of the canal from contamination. They request a S106 obligation for towpath enhancement.
- 9.3 **Environment Agency** – Object as the proposal does not reduce surface water flow rates back to equivalent Greenfield rates.
- 9.4 **Coal Authority** – No objections subject to recommendations of the submitted Coal Mining Risk Assessment being undertaken.
- 9.5 **Sport England** – No objection subject to the equivalent provision of playing fields.
- 9.6 **Natural England, Police and Fire Service** – No objections.
- 10. Legal Implications**
- 10.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/23072012/A
- 11. Appraisal**
- 11.1 The key issues are:
- Design
 - Access
 - Planning obligations
 - Sustainable drainage
- Design
- 11.2 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.

- 11.3 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.
- 11.4 The houses would have external wall predominantly of red brick under tiled pitched roofs.
- 11.5 The proposed design of the proposal is acceptable, would preserve and enhance area and is in accordance with UDP policies H6, D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Access

- 11.6 It would be necessary to carry out some highway works to Millfields Road/Ettingshall Road/Parkfield Road and Bilston Road/Ward Street/Stowheath Lane, in order to increase capacity. The applicants have agreed to fund these works.

Planning obligations

- 11.7 In accordance with the development plan and the development brief there is a requirement for:

- 25% of housing to be affordable,
- nature conservation
- phasing
- creation of public open space
- works to railway cutting
- reconfiguration of school playing fields
- canalside enhancement
- various highway works
- travel plan
- a scheme for targeted recruitment and training,
- 10% renewable energy
- public art

- 11.8 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 (DV).
- 11.9 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.
- 11.10 Should it be demonstrated that the scheme is insufficiently viable to meet the full S106 requirements then it would be justified to reduce the contributions accordingly, in order to support early development.

Sustainable Drainage

- 11.11 The Environment Agency objects as proposed surface water flow rates would not be reduced to Greenfield rates, in accordance with BCCS policy ENV5.
- 11.12 The proposed site is not within a designated flood risk area and submitted drainage strategy would significantly improve the drainage of the site. Further

improvements would be prohibitively expensive. The drainage strategy is acceptable in the circumstances.

12. Conclusion

- 12.1 Subject to conditions and a S106 as recommended, the proposal is acceptable and 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 12/00385/FUL subject to:

- (i) Negotiation and completion of a Section 106 Agreement to include:

If viable:

- 25% of housing to be affordable,
- nature conservation
- phasing
- creation of public open space
- works to railway cutting
- reconfiguration of school playing fields
- canalside enhancement
- various highway works
- travel plan
- a scheme for targeted recruitment and training,
- 10% renewable energy
- public art

If not fully viable:

As above, but with a deferment in the requirements for affordable housing, renewable energy, public art and canalside enhancement commensurate with viability, until after the completion of those houses to the West of Ward Street. The deferred 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) The following conditions:

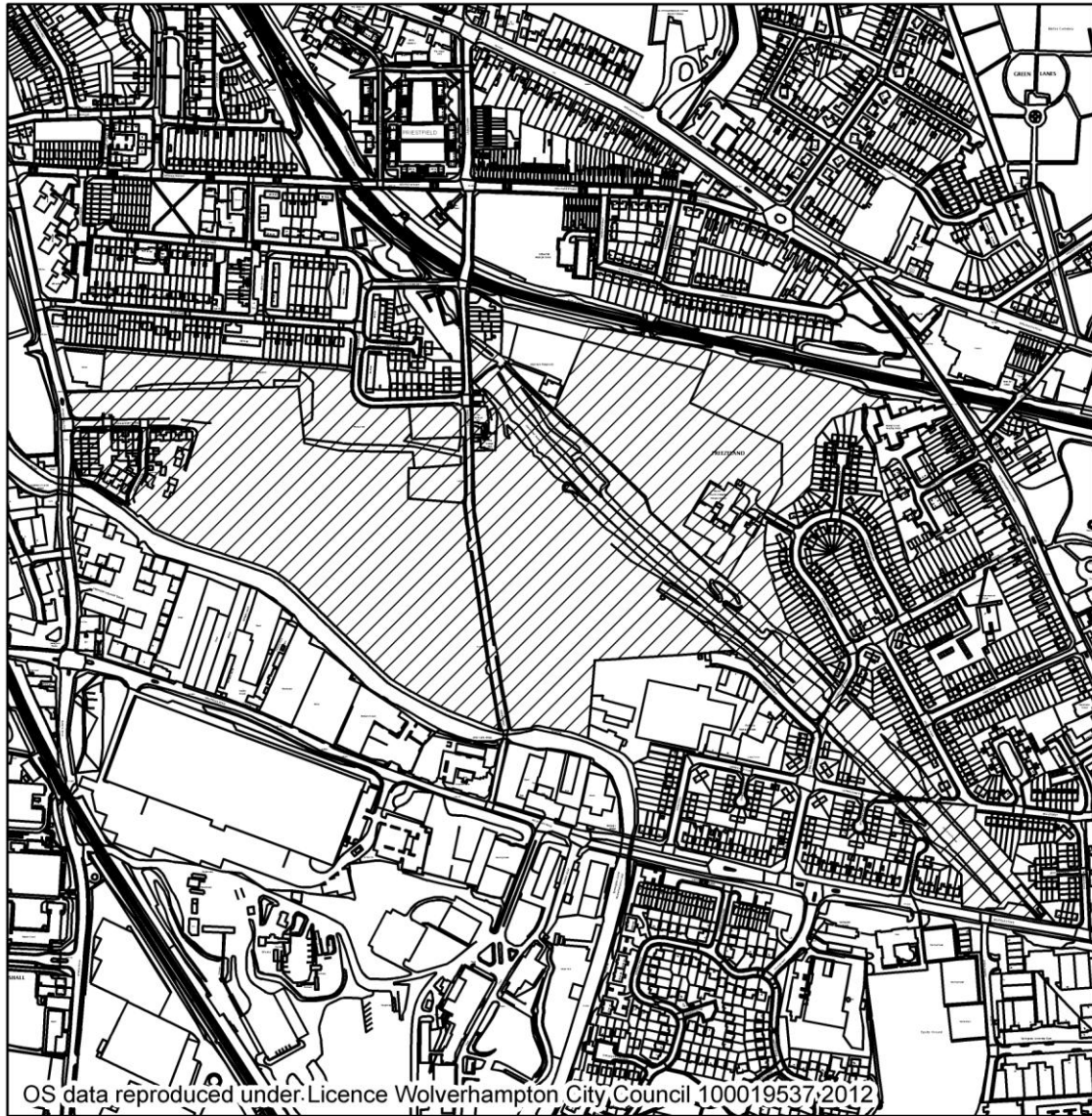
- Standard outline conditions
- Materials
- Drainage
- Noise Attenuation
- Ground remediation
- Tree survey and stability scheme
- Remediation measures
- Existing and Proposed Levels
- Waste Management Plan
- Landscaping implementation

- Boundary treatment
- Measures to reduce impact of construction on residents
- Implement recommendations of the habitat survey
- Implement recommendations of coal mining risk assessment

Case Officer : Mr Richard Pitt

Telephone No : 01902 551674

Head of Planning – Stephen Alexander



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Planning Application No: 12/00385/FUL

Location	Land To The East Of Ettingshall Road And Ward Street,, Ettingshall,Bilston,Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 393280 296573
Plan Printed	24.07.2012	Application Site Area	241235m ²

PLANNING COMMITTEE - 7-Aug-12

APP NOS: 12/00284/FUL
12/00317/VV
10/00998/RC

WARD: Bilston East

SITE: Bankfield Works, Greenway Road, Wolverhampton

APP TYPE: Full Application

PROPOSAL: Residential development comprising 48 dwellings (plots 53, 54, 500, 501, 70-81, 502-509, 112, 512, 93, 94, 101, 510, 511, 99, 100, 115-118, 513, 516, 136-139, 123-126 and 514)

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

PROPOSAL: Section 73 - Variation of Condition 2 (substitution of house types for plots 48, 49, 50, 51, 52, 54, 57, 130, 158, 159 and 174) of reserved matters 10/00625/REM

APP TYPE: Removing Condition from Previous Approval

PROPOSAL: Section 73 application for the removal of condition 35 which requires the retention and consolidation of the bridge abutment on the north side of the canal of application 07/00458/OUT for mixed use development comprising residential and light industry.

APPLICANT:
David Bent
Redrow Homes Midlands
Redrow House
Kinsall Green
Wilnecote
Tamworth
Staffordshire
B77 5PX

AGENT:
Neil Boddison Associates Ltd.
The Studio
Bird Street
Lichfield
Staffs
WS13 6PW

COMMITTEE REPORT:

1. Site Description

- 1.1 This 5.1ha site is located 700m south of Bilston Town Centre and is divided by the Bradley Arm of the Birmingham Canal.
- 1.2 The site has been cleared and houses are being built on the northern side of the canal.

2. Application details

- 2.1 12/00284/FUL- This application would result in an amendment to the approved layout, resulting in an increase in dwellings from 149 to 166. House types would also be altered, with more, smaller houses. The applicant states that this is to reflect the demand for smaller homes.

- 2.2 12/00317/VV - This application proposes a minor material amendment to approved house types on 11 plots. The substitutions are like for like (i.e. detached for detached and terrace for a terrace).
- 2.3 10/00998/RC - Condition 35 of permission 07/00458/OUT requires:
“The brick and furnace slag bridge abutment on the north side of the canal shall be retained and consolidated in accordance with a specification of works to be submitted for the prior approval and thereafter maintained to the satisfaction of the local planning authority and interpreted in any subsequent detailed scheme for development.”
- 2.4 This application seeks to carry out the development without complying with condition 35.
- 2.5 This application was reported to Planning Committee on 7th December 2010, when delegated authority was given to grant permission subject to the completion of a Deed of Variation to tie the new permission to the existing Section 106. However, the deed of variation was not signed.

3. Planning History

- 3.1 07/00458/OUT Mixed use development comprising residential, light industrial and creation of public open space. Granted 16th January 2008.
- 3.2 10/00625/REM Approval of Reserved Matters relating to residential element of outline permission 07/00458/OUT. Granted 22nd October 2010.

4. Relevant Policies

- 4.1 National Planning Policy Framework
- 4.2 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
- 4.3 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

5. Environmental Impact Assessment Regulations

- 5.1 "The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications)
- 5.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

6. Publicity

- 6.1 No representations received.

7. Internal Consultees

- 7.1 **Transportation Development** – no objections

8. External Consultees

- 8.1 **British Waterways** – If the abutment is to be demolished a full survey should be undertaken and interpretation signage should be provided to explain the previous industrial uses in the area and the purpose of the abutment. If the abutment is retained it should be maintained so that it does not become a liability to British Waterways.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 National Planning Policy Framework further supports planning authorities in taking flexible approaches to S106 Planning Obligations. In addition to the tests contained in Regulation 122 of the Community Infrastructure Regulations 2010, it also provides that “where obligations are being sought or revised, local planning authorities should take into account changes in market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled”.
- 9.3 Applications 12/00317/VV and 10/00998/RC are made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted”. The planning authority when dealing with an application under S73 must only consider the question of the condition(s). If the proposed amended condition(s) are acceptable, permission should be granted with the new condition(s), any condition(s) on the original permission which remain relevant and any other condition(s) required that would make the proposal acceptable (provided that the condition(s) could have been imposed lawfully on the earlier permission and do not amount to a fundamental alteration of the proposal put forward in the original application). The new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission. However, as with all applications under the planning acts, the application must still be determined in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and particular regard should be had to any policy or material changes which may have changed since the original grant of permission.
- 9.4 Although there are three applications (12/00284/FUL, 12/00317/VV and 10/00998/RC) being considered in this report, each application should be considered on its own merits and a decision made whether to grant or refuse the application in each case. [LM/09072012/L]

10. Appraisal

10.1 The key issues are: -

- Design
- Loss of bridge abutment
- Planning obligations (S106)

Design

10.2 The proposed design is in keeping with the previously approved development and accords with BCCS policy CSP4 and CSP5 and UDP policies D4, D5, D6, D7, D8, D10, H6, AM12 and AM15 .

Loss of Bridge Abutment

- 10.3 The bridge abutment is a remnant of the industrial history of the area. However, it is a rather unattractive lump of masonry, it would disrupt the built up frontage to the canal and, in light of information submitted, its historic significance is not so great as to justify its retention. The Council's Historic Environment Officers do not object to the removal of the abutment provided that the structure is recorded prior to demolition. The details have been recorded on the Sites and Monument record and therefore the proposal complies with BCCS policy ENV2 and UDP policy HE1.
- 10.4 British Waterways request, as a condition of permission, the provision of interpretation signage, to explain the previous industrial uses in the area and the purpose of the abutment. This is not considered to be something that is either necessary or reasonable to require as a condition.

S106 Planning Obligations

- 10.5 In accordance with adopted planning policy a number of S106 planning obligations are required for the development as a whole (that approved by 10/00998/RC, as proposed to be amended by 12/00284/FUL and 12/00317/VV). The applicants have already paid £569,986 for; highway improvements, canalside improvements and public open space (POS) and play contributions (including maintenance) for the area north of the canal.
- 10.6 The outstanding S106 requirements are for 25% affordable housing, 10% renewable energy and the following payments:

Off- site POS contribution (South Parcel)	£233,158.75
POS maintenance(South Parcel)	£ 42,992.20
Play facilities (South Parcel)	£ 38,556.34
Play maintenance (South Parcel)	£ 28,450.28
Public Art (based on 1% of construction costs)	£ 41,122.00

- 10.7 On the 11th of November 2009 and 23rd March 2011 Cabinet endorsed a flexible and proactive approach to planning obligations, in response to the economic downturn. This approach is endorsed by the NPPF.
- 10.8 A financial viability appraisal (FVA) has been submitted which has been considered independently by the District Valuer (DV). The DV assesses viability by comparing the Residual Land Value (RLV) with the estimated current land value. RLV is calculated by taking development costs (not including purchase price of the land but including a reasonable level of profit) from income gained from the development. Advice from the Homes and Communities Agency (HCA) is that this is the correct methodology.
- 10.9 Using the RLV methodology the DV confirms that it would be financially unviable to provide the full S106 obligations detailed in 10.6, but that it would be financially viable to provide 25% affordable housing and approximately £250,000 towards planning obligations.
- 10.10 While the HCA advice is that viability should be assessed on the basis of current land value, it is suggested that where a high historic purchase price is inhibiting development the local planning authority can take this into account

when deciding S106 contributions, in the interests of encouraging development. This view has been endorsed by a small number of Planning Inspectors.

- 10.11 In this case the site was purchased in July 2010 and the price paid was not excessive. However, Redrow's case is that because of the high cost of remediating the site and lower than expected sales revenue, with a requirement for 25% affordable housing and £250,000 contribution towards other planning obligations, the rate of return on investment would be too low to act as an incentive for them to continue with the development. The rate of return normally expected on a constrained / high risk site is 15-20%. Figures from the DV confirm that the actual return would be approximately 3%.
- 10.12 The applicants request that a reduced planning obligation of 10 flats for affordable rent (three with one bedroom and seven with two bedrooms) is accepted. This would increase their return on investment to approximately 8%.
- 10.13 The Managing Director of Redrow Homes Midlands has written to say that he is very keen to move forward with the development and that a reduction in planning obligations as requested would give encouragement and confidence to continue. Substantial ground remediation works south of the canal would commence within a few weeks and the building of houses would follow before the end of the year. Unfortunately, if Redrow is required to contribute more than their current offer they would cease building once houses that are under construction are completed. This would leave the area south of the canal and part of the area north of the canal undeveloped.
- 10.14 This site is an important part of the Wolverhampton housing land supply, given the large number of homes involved. Development of the site is also key to unlocking the housing potential of adjoining land to help meet housing targets up to 2026, in line with the broad locations for housing identified in the Black Country Core Strategy.
- 10.15 The continued development of the site would bring other benefits. For example; 10 affordable dwellings; an enhanced environment; greater surveillance of the canal towpath and the Bankfield Road Greenway; creation of a path on the southern canalside; public open space; New Homes Bonus (approx. £700,000 over 6 years, part of which would be spent on encouraging new housing development and bringing empty homes back into use) and; the retention and creation of construction jobs (26 full time equivalent).
- 10.16 Redrow also offer to include an obligation that when (if) the noise bund at the eastern end of the northern part of the site is no longer required, it will become public open space. This would potentially balance against the loss of contribution for the enhancement of off-site open space.
- 10.17 Because of the benefits that would accrue from the building out of the site and because of the very low rate of return on investment that the development would give, it would be appropriate for the normal S106 requirements to be reduced in order to encourage the continuation of the development.
- 10.18 It is recommended that the reduction applies on a pro rata basis to all dwellings that are ready for occupation within 3 years of the date of this Committee, with the full amount applying on a pro-rata basis to all those that are not.

11. Conclusion

- 11.1 The development is acceptable in principle and in detail, and accords with the development plan, subject to conditions and a deed of variation or new S106 agreement as recommended.

12. Recommendation

12/00284/FUL

- 12.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00284/FUL subject to:

- (i) Signing of a deed of variation to the existing S106 or a new S106 as set out at 12.4.
- (ii) Any necessary conditions to include:
 - Landscaping
 - Materials
 - Phasing
 - Limit hours of construction
 - Archaeology
 - Drainage
 - Waste management

12/00317/VV

- 12.2 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00317/VV subject to:

- (i) Signing of a deed of variation to the existing S106 or a new S106 as set out at 12.4.
- (ii) Variation of condition 2 of planning application 10/00625/REM
- (iii) Any relevant conditions from 10/00625/REM

10/00998/RC

- 12.3 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 10/00998/RC subject to:

- (i) Signing of a deed of variation to the existing S106 or a new S106 as set out at 12.4.
- (ii) Relevant conditions from the outline permission.

- 12.4 S106 requirement for the whole development:

- 10 flats for affordable rent
- Provision of acoustic bund, its removal when no longer required and the use of the land as POS
- Management company for communal areas

- Targeted training and recruitment

S106 requirement for each dwelling that is not ready for occupation within 3 years from the date of this Committee, on a pro-rata basis:

- 25% affordable dwellings
- 10% renewable energy
- Public art
- POS and play contributions as set out at 10.6 (BCIS indexed)

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



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Planning Application No: 12/00284/FUL

Location	Bankfield Works, Greenway Road, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 395366 295764
Plan Printed	24.07.2012	Application Site Area	10636m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00413/FUL

WARD:

Bushbury South And
Low Hill

RECEIVED: 04.07.2012

APP TYPE: Full Application

SITE: Land Adjacent To 14 And 25, Purcel Road, Wolverhampton

PROPOSAL: Erection of 22 houses.

APPLICANT:

Mr Alan Yates
Accord Housing Association
178 Birmingham Road
West Bromwich
B70 6QG

AGENT:

Mr Muniandy Kumaraguru
Accord Indesign
Fairgate House
Kings Road
Tysley
Birmingham
B11 2AA

COMMITTEE REPORT:

1. Site Description

1.1 The application relates to two parcels of land along Purcell Road, which were occupied by approximately 20 dwellings, now demolished, along with many other properties along Purcell Road as part of the wider regeneration of the area. The site is approximately 3.5km north of the City Centre.

2. Application Details

2.1 The application proposes the redevelopment of the site to provide 22 semi-detached and terraced houses, 19 with two bedrooms and 3 with three bedrooms, all two storeys in height.

3 Planning History

- 3.1 04/0383/FUL - 149 dwellings and public open space. Granted 13/8/04
- 3.2 07/01703/FUL - 22 houses. Granted 14/2/08 but not implemented.

4. Constraints

4.1 Mining advice area

5. Relevant Policies

5.1 Wolverhampton Unitary Development Plan (UDP)

- D1 Design Quality
- 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
- N7 The Urban Forest
- R7 Open Space Requirements for New Develop.
- H1 Housing
- H3 Housing Site Assessment Criteria
- H6 Design of Housing Development
- H9 Housing Density and mix
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

5.2 Black Country Core Strategy (BCCS)

- 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 National Planning Policy Framework (NPPF)

5.4 Supplementary Planning Documents

- SPG3 Residential Development
- SPD Affordable Housing

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 No representations received.

8. Internal Consultees

8.1 **Environmental Health** - No objection in principle subject to appropriate noise mitigation and controlling the hours of construction.

8.2 **Transportation Development** – No objections

9. External Consultees

9.1 **Police** - No objection in principle but have raised some points of detail regarding the proposed design.

9.2 **Fire Service** – No objections

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications. LM/17/07/2012/R

11. Appraisal

12.5 The key issues are:

- Design
- Planning obligations

Design

11.2 The proposed design is acceptable and would offer a satisfactory level of residential amenity to future occupiers in accordance with UDP policies H6, D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Planning obligations

11.3 In accordance with the development plan there is a requirement for:

- 25% of housing to be affordable,
- Off-site open space contribution
- Targeted recruitment and training,

12. Conclusion

- 12.1 Subject to conditions and a S106 as recommended, the proposal is acceptable and 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 12/00413/FUL subject to:

- (i) Negotiation and completion of a Section 106 Agreement to include:

- 25% affordable housing
- Public open space contribution
- Targeted recruitment and training

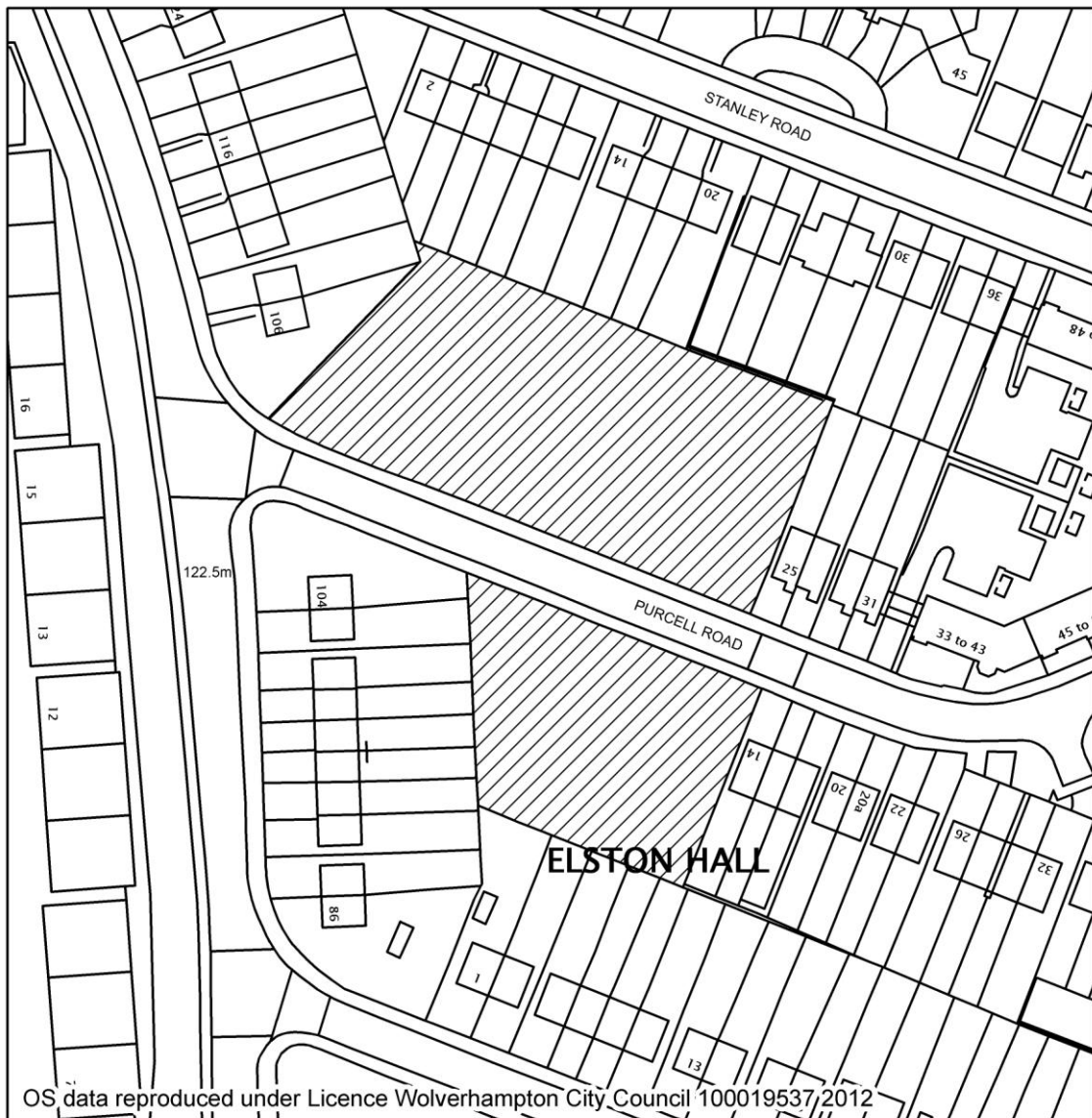
- (ii) The following conditions:

- Materials
- Drainage
- Noise attenuation
- Tree survey and stability scheme
- Existing and proposed levels
- Waste management plan
- Landscaping
- Measures to reduce impact of construction on residents
- 10% renewable energy

Note for information

Mining Area
Highway Works

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



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Planning Application No: 12/00413/FUL

Location	Land Adjacent To 14 And 25, Purcel Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391823 301954
Plan Printed	24.07.2012	Application Site Area	4690m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00452/FUL

WARD: St Peters

RECEIVED: 19.04.2012

APP TYPE: Full Application

SITE: Former Drill Hall, 184 Stafford Street, Whitmore Reans,
Wolverhampton

PROPOSAL: Conversion and extension to create student accommodation

APPLICANT:

Mr Liam Wordley
Sprintoval Ltd
Sprint House
Spring Lane Industrial Estate
Four Ashes
Wolverhampton
WV10 7DA

AGENT:

Mr John Mason
J Mason Associates Ltd
St Thomas House
Wolverhampton Road
Cannock
Staffordshire
WS11 1AR

COMMITTEE REPORT:

1. Site Description

- 1.1 Stafford Street is the main entrances into the city centre from the north. The last occupants of 184 Stafford Street were Wolverhampton University. However, they moved out several years ago and the building has been unoccupied since.
- 1.2 The application site is within the Wolverhampton City Centre Conservation Area which is characterised by 19th century buildings predominately built with red brick, stone bandings and Welsh slate roofs.
- 1.3 The Conservation Area Appraisal describes the building as a, "*Victorian Gothic Territorial Army building in two sections. Principal block is of three storeys beneath a pitched roof: first floor single large hall, very finely decorated internally. Seven bay façade; central bay emphasised with an oriel window at first floor and a squat tower and spire over. Four bay subsidiary block to the north matches lower two floors of the main block.*"

2. Application details

- 2.1 It is proposed to sympathetically refurbish and repair the external envelope of the building and convert it for student accommodation. A relatively modern extension to the rear of the building will be demolished as part of the proposals and replaced with a new extension of similar size.

3. Planning History

- 3.1 08/00377/FUL- Change of use to drinking establishment and restaurant (Use Clas A4 and A5). Granted 3/7/08.
- 3.2 09/00268/FUL- Refurbishment of upper floors to create 12 residential Apartments. Granted 3/6/10.

4. Constraints

- 4.1 Wolverhampton City Centre Conservation Area

5. Relevant Policies

- 5.1 Wolverhampton Unitary Development Plan (UDP)

- 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
- D12 Nature Conservation and Natural Features
- D13 Sustainable Development Natural Energy
- HE1 Preservation of Local character and Distinctiveness
- HE3 Preservation and Enhancement of Conservation Areas
- HE4 Proposals Affecting a Conservation Area
- HE5 Control of Development in a Conservation Area
- HE6 Demolition of Buildings or Structures in a Conservation Area
- HE7 Underused Buildings and Structures in a Conservation Area
- HE8 Encouragement of Appropriate Redevelopment in Conservation Areas
- HE18 Preservation and Enhancement of Local List Buildings and Sites
- HE19 Development Affect a Local List Building or Site
- HE20 Demolition of a Local List Building or Site
- R7 Open Space Requirements for New Develop.
- H1 Housing
- H3 Housing Site Assessment Criteria
- H6 Design of Housing Development
- H9 Housing Density and mix
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

- 5.2 Black Country Core Strategy (BCCS)

- CSP4 Place-Making
- 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
ENV8 Air Quality

5.3 National Planning Policy Framework (NPPF)

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

7.1 No representations received.

8. Internal Consultees

8.1 **Transportation Development** – No objections in principle, but further information regarding the servicing of the property is required.

8.2 **Environmental Health** – Further information is necessary regarding noise mitigation and air quality.

9. Legal Implications

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

9.2 In addition, when an application is situate in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 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 Section 73 of the Act. [LC/25072012]

10. Appraisal

10.1 The key issues in determining this application are:

- The acceptability of the proposed use
- Impact on the historic environment
- Residential Amenity
- Transportation
- Planning obligations

The acceptability of the proposed use

- 10.2 The City Centre has a relatively low residential population. UDP Policy CC3, City Centre Housing, states that the Council will continue to promote new and refurbished housing schemes as part of a sustainable mix of uses. The proposed use is in accordance with this policy and acceptable.

Impact on the historic environment

- 10.3 This application proposes the repair and maintenance of the façade of the building visible from Stafford Street.
- 10.4 The demolition of the relatively modern extension and its replacement will not visually impact on the streetscene and is acceptable.

Residential Amenity

- 10.5 In the vicinity of the site, the air quality is relatively poor and noise levels from vehicular traffic are particularly high. Details of air quality and noise mitigation have been submitted, but further information is necessary to ensure the amenity of the students.

Access

- 10.6 The site is located within the City Centre and therefore the occupants would have very good links to public transport. Therefore, no on-site car parking is provided. Vehicular access to the building for servicing and refuse purposes would be provided from Whitmore Street although further information about how this will be managed is required. Details of, secure, cycle storage can be conditioned.

Planning Obligations

- 10.7 In accordance with the development plan there is a requirement for an off-site open space contribution of £70,485 (subject to BCIS). This money is required for and would be expended on the enhancement of open space at Broad Street Basin which would benefit the residents of this development. In ensuring they have access to high quality public open space.

11. Conclusion

- 11.1 The proposal would help bring this attractive property back into use, provide city centre living and represent a significant investment in the centre which will help continue the regeneration of the City Centre.
- 11.2 Subject to the submission of the satisfactory air quality and noise mitigation measures, the proposal is acceptable. Subject to conditions and a S106

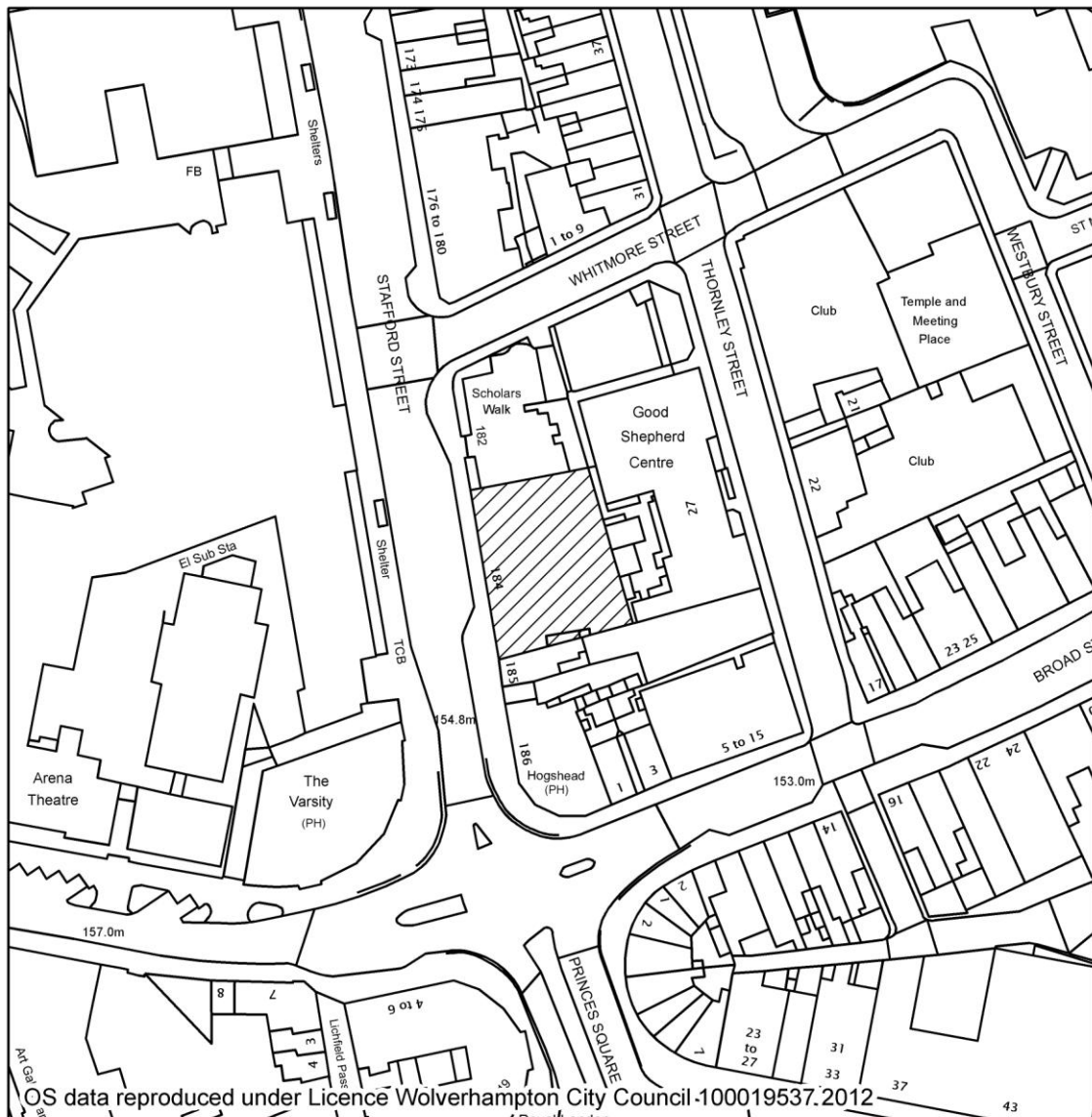
agreement. The development would in accordance with the development plan, D3, D4, D5, D6, D7, D8, D9, D10, D11, HE1, HE3, HE4, HE5, HE6, HE7, HE8, HE18, HE19, HE20, H6, H9 AM12, AM15, CC3 and SPG3

12. Recommendation

12.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00452/FUL subject to:

1. Submission of satisfactory air quality and noise mitigation measures.
2. A Section 106 Agreement to secure open space/play contribution (BCIS indexed)
3. Conditions to include:
 - Refuse storage/collection
 - Submission of a scheme for ventilation and odour control to be approved before first use or occupation
 - Noise mitigation
 - Details of cycle/motorcycle storage facilities
 - No external meter boxes, vents, flues, aerials, satellite dishes etc without written approval.
 - Samples of all new external materials to be used should be submitted and approved in writing by the Council before any works are commenced.

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



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Planning Application No: 12/00452/FUL

Location	Former Drill Hall, 184 Stafford Street,Whitmore Reans,Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391563 298880
Plan Printed	24.07.2012	Application Site Area	616m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00003/FUL

WARD: Tettenhall Regis

RECEIVED: 05.01.2012

APP TYPE: Full Application

SITE: 84 Woodthorne Road South, Wolverhampton, WV6 8SL

PROPOSAL: Erection of a detached house

APPLICANT:

Mr B Singh
2 Hawkins Street,
Hilltop
West Bromwich
B70 0QR

AGENT:

Mr Jacob Sedgemore
Stoneleigh Architectural Services Ltd
Compton Wharf
Bridgnorrth Road
Compton
Wolverhampton
WV6 8AA

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is in an area characterised by large, individually designed bungalows and 2-storey houses that generally stand on sizeable plots with mature gardens. This layout gives the locality a sense of spaciousness and openness.
- 1.2 The application site includes a bungalow and is prominently located at the junction of Woodthorne Road South and Wrekin Lane. It is set back from Woodthorne Road South and its 'L'-shaped plan responds suitably to this corner location. The open garden creates a sense of spaciousness on Wrekin Lane.

2. Application Details

- 2.1 The application proposes a detached two storey house.

3. Planning History

- 3.1 **12/00548/FUL.** Erection of a detached house. Refused 21.06.2012.
- 3.2 **11/00544/FUL.** Proposed side and rear extension to existing bungalow and new vehicular access off Wrekin Lane. Granted 30.06.2011.
- 3.3 **10/00800/FUL.** Demolition of existing bungalow and erection of two detached dwellings. Refused 12.10.2010.
- 3.4 **09/01183/FUL.** Demolition of existing bungalow and erection of two detached dwellings. Refused 01.04.2010.

4. Relevant Policies

- 4.1 National Planning Policy Framework
- 4.2 Black Country Core Strategy
 - CSP4 Place Making
 - CSP5 Transport Strategy
 - TRAN2 Managing Transport Impacts of New Development
 - ENV1 Design Quality
 - ENV2 Historic Character and Local Distinctiveness
 - ENV3 Design Quality
 - ENV5 Flood Risk, Sustainable Drainage and Urban Heat Island
 - ENV7 Renewable Energy
 - WM1 Sustainable Waste and Resource Management
 - WM5 Resource Management and New Development
- 4.3 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
 - EP8 Water Supply Arrangements for Development
 - EP9 Sustainable Drainage Arrangements for Dev
 - AM12 Parking and Servicing Provision
 - AM15 Road Safety and Personal Security
 - H6 Design of Housing Development
- 4.4 Wolverhampton's Supplementary Documents
 - SPG3 – Residential Development

5. Environmental Impact Assessment Regulations

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

6. Publicity

6.1 Eight letters of objection received. Objections have been made on the following planning grounds:

- Car parking area visually dominates frontage
- Out of scale and character with surrounding development
- External detailing could be improved
- Request permitted development rights are removed for future extensions
- Detrimental to appearance of street scene
- Unacceptable impact on neighbour amenities
- Inadequate car parking provision
- Detriment to highway network

7. Internal Consultees

7.1 Environmental Services – No objections.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications (LC/26072012/C).

9. Appraisal

9.1 Key issues:

- Design, Layout and Appearance
- Access and Parking
- Residential Amenity

Design, Layout and Appearance

9.2 The proposed design, layout and appearance of the proposal is acceptable and is in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Access and Parking

9.3 The proposed layout and parking provision is acceptable. The vehicular access point is in an appropriate location and there are parking spaces on the driveway for at least four vehicles. The proposal is in accordance with UDP policies H6, AM12, AM15 and BCCS policy TRAN2.

Residential Amenity

9.4 The relationship between the proposed dwelling and surrounding dwellings is acceptable. There is a single storey element immediately adjacent to the neighbouring property, 82 Woodthorne Road South to allow light to the side of this property. The positioning of the proposed house respects the privacy, daylight and outlook from adjacent dwellings as well as providing for the amenities of future occupiers.

9.5 The private amenity area is of sufficient size to support the proposed dwelling.

9.6 The proposal is in accordance with UDP policies H6 and SPG3.

10. Conclusion

10.1 The proposed dwelling is acceptable in principle, it would replace an existing bungalow on the site. In respect of scale, height, roof design and building line, the proposed dwelling has been designed to harmonise with the two storey dwellings on adjacent plots. The details of the proposal are acceptable and the development is in accordance with the development plan.

11. Recommendation

11.1 Grant subject to the following conditions

- Submission of materials
- Sustainable drainage
- Operational hours during demolition and construction
- Landscaping and boundary treatments
- Remove permitted development for extensions.

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



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Planning Application No: 12/00003/FUL

Location	84 Woodthorne Road South, Wolverhampton , WV6 8SL		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 387395 300202
Plan Printed	24.07.2012	Application Site Area	925m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00471/FUL

WARD: Bushbury North

RECEIVED: 13.04.2012

APP TYPE: Full Application

SITE: 476 - 478 Stafford Road, Wolverhampton, WV10 6AN

PROPOSAL: Proposed Change of Use of Retail Outlet to Restaurant & Delivery Service

APPLICANT:

Mr Hussain
476 - 478 Stafford Road
Wolverhampton
WV10 6AN

AGENT:

Mr M. L. Miah
182 Milton Street
Walsall
WS1 4LW

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site consists of a property located within the Stafford Road (Three Tuns) District Centre. The property is sited on the eastern flank of Stafford Road (A459) and is situated within a row of commercial premises.
- 1.2 The application property is currently vacant; however its former use was a shop (computer sales and maintenance). The total ground floor area of the unit amounts to 139 square metres.
- 1.3 A car park is located to the rear of the building which can be accessed via Stafford Road and Barrington Close.

2. Application Details

- 2.1 The application seeks full planning permission to change the use of the property from a shop (A1 Shops Use) to a restaurant and delivery service (A3 Restaurant and Cafes Use). The restaurant will have the capacity to provide 45 covers.
- 2.2 Nine parking spaces will be available within the car park to the rear for exclusive use by staff and customers of the restaurant. There will be no external alterations to the building, apart from the installation of a ventilation system on the rear elevation.
- 2.3 It is proposed that the opening hours of the restaurant and delivery service will be 6pm to 11pm.

3. Planning History

- 3.1 09/00420/FUL - Change of use of part ground floor to 2 no. retail units, the conversion of first floor to create 3no flats - Granted 21.07.2009.
- 3.2 06/0419/FP/C - Change of use from B1 to A1 (use class) - Refused 15.06.2006.

4. Constraints

- 4.1 District and Local Centres - Stafford Road (Three Tuns)

5. Relevant Policies

- 5.1 National Planning Policy Framework (NPPF) (2012)
- 5.2 Black Country Core Strategy (BCCS) (2011)
 - EMP1 Providing for Economic Growth
 - CEN5 District and Local Centres
 - TRAN2 Managing Transport Impacts of New Development
 - TRAN4 Creating Coherent Networks for Cycling and for Walking
- 5.3 Wolverhampton's Unitary Development Plan (UDP) (2006)
 - D9 Appearance
 - EP1 Pollution Control
 - EP5 Light Pollution
 - EP5 Noise Pollution
 - SH10 Protected Frontages
 - SH14 Catering Outlets
 - AM12 Parking and Servicing Provision
 - AM14 Minimising the Effect of Traffic on Communities

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 One letter has been received in support of the proposal including a petition with 30 signatures from residents in Stafford Road and surrounding streets as it is believed that the development will boost the local economy.

7.2 Twenty two representations have been received from neighbouring properties objecting to the proposal on the following grounds:

- Cars will park on Stafford Road and disrupt the free flow of traffic;
- The proposal will result in further congestion along Barrington Close;
- An insufficient amount of off-street parking spaces will be provided and will not be accessible during the evening;
- There is already a high number of food outlets within the area;
- The use will not contribute to the interest of the local area;
- The use/business will make things more difficult for existing businesses within the area;
- The proposal will detrimentally affect the amenity of surrounding residents due to air and noise pollution;
- The use will produce early morning and late night activity;
- The restaurant will produce a lot of rubbish and attract vermin.

8. Internal Consultees

8.1 **Transportation Strategy** - No objection, subject to conditions to ensure:

- the use is restricted to a restaurant and delivery service only (no takeaway use);
- opening times are restricted from 6pm to 11pm;
- directional signage is installed advising customers to use the car park;
- the off-street car parking spaces are marked out and are available at all times in perpetuity.

8.2 **Environmental Health** - No objection, subject to conditions controlling the restaurant opening hours and the timing of deliveries to the premises.

9. External Consultees

9.1 None.

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule planning applications. Under the Use Classes Order 2010, the new use of the premises would fall under Use Class 'A3 Restaurant and Cafes' and in light of the proximity to neighbouring residents, the restrictions discussed below should be attached to any grant of permission. Legal implication reference LM/09072012/T

11. Appraisal

11.1 The key issues are:-

- Principle of development;
- Parking and access
- Impact on neighbouring properties

Principle of Development

- 11.2 The site is located within the Stafford Road (Three Tuns) District Centre. As such, the principle of the proposed change of use is acceptable and in accordance with UDP policy 'SH14 Catering Outlets' which seeks to contain catering outlets within defined centres.
- 11.3 Policy 'SH10 Protected Frontages' of the UDP outlines that the number of non-A1 units should not exceed 30% of the centre as whole or individual frontages. A survey undertaken in July 2011 established that 63% of the units within the entire District Centre were within Use Class A1 and only 6% within Use Class A3. It is therefore considered that the change of use would not result in an over concentration of A3 units within the centre. There is a high percentage (13%) of 'A2 Financial and Professional Services' within the centre.
- 11.4 In relation to the individual frontage, the application property forms part of a frontage (448 – 478b Stafford Road) which has 15 ground floor units. The permitted use for 11 of these units is A1 Shops, although four of the units are currently vacant, including the application property which has been vacant for approximately five months. The introduction of an A3 use will not therefore undermine the overall retail function and character of the frontage. The other 4 units within the frontage are of 'A2 Financial and Professional Services' and 'D1 Non-residential Institutions' uses. If planning permission is granted for the change of use the number of non-A1 uses within the frontage will amount to 33%.
- 11.5 The proposal will slightly exceed the threshold provided in policy 'SH10', however the development will result in the creation of six full time jobs and will bring the vacant unit back into a productive use. As such, the principle of the development is considered acceptable and is in-line with national legislation which places a duty on local planning authorities to determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise.
- 11.6 The proposal is also in accordance with the National Planning Policy Framework which outlines that the planning system should do everything it can to support sustainable economic growth.

Parking & Access

- 11.7 The proposed level of parking provision within the curtilage of the site, coupled with the public car parks within the district centre, is sufficient to meet the anticipated demands of the proposed use. The proposal is therefore in accordance with policy 'AM12 Parking and Servicing Provision' of the UDP.
- 11.8 Stafford Road is a Strategic Primary Route and is protected from inappropriate parking by a "No Waiting At Any Time" Traffic Regulation Order (TRO). The TRO also protects Stafford Road from inappropriate loading/unloading at peak traffic times. Signage will also be installed to ensure the off-road car park is used.
- 11.9 In light of the above, the proposal should not pose a danger to highway safety and is therefore in accordance with policy 'TRAN2 Managing Transport Impacts of New Development' of the BCCS.

Impact on Neighbouring Properties

- 11.10 A number of concerns have been raised by local residents in relation to the potential disturbance that will be caused by the restaurant as a result of noise pollution, air pollution and litter.
- 11.11 It is recognised that an A3 use may have the potential to cause odour nuisance, however there is a proposal to install a ventilation system which is in line with current best practice in preventing such nuisances. As such, provided the system is regularly cleaned and well maintained there should be no detrimental impacts on the surrounding environment.
- 11.12 The proposed opening hours are consistent with those of similar establishments in the nearby vicinity. The opening hours, and delivery times, will however be conditioned to prevent a noise nuisance to neighbouring residents. A bin store will also be provided to the rear of the building which will not be visible from the road or the public realm. As such, the proposal is in accordance with policies 'EP1 Pollution Control' and 'EP5 Noise Pollution' of the UDP.

12. Conclusion

- 12.1 The proposal is acceptable in principle and would bring a vacant unit back into a productive use. As a result the development would be a boost to the local community with the creation of six full time jobs.
- 12.2 Subject to the imposition of conditions in order to protect the amenity of neighbouring residents and to ensure no detriment to highway safety, the proposed development would be acceptable and in accordance with the development plan.

13. Recommendation

- 13.1 That planning application 12/00471/FUL be granted subject to the following conditions:
- Restriction the use of the site to 'A3 Restaurant and Cafes' use only (no 'A5 Hot Food Takeaway' use)
 - Restriction on opening hours (6pm to 11pm 7 days a week)
 - Restriction on the timing of deliveries to the premises
 - Requirement to install and maintain the ventilation system.
 - Requirement to install a bin store facility.
 - Requirement to install directional signage to the car park
 - Parking area to be marked out and made available at all times, and retained in perpetuity

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



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Planning Application No: 12/00471/FUL

Location	476 - 478 Stafford Road, Wolverhampton, WV10 6AN		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391297 302315
Plan Printed	24.07.2012	Application Site Area	472m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00666/PA

WARD: Ettingshall

RECEIVED: 14.06.2012

APP TYPE: Prior Approval Required

SITE: Land Opposite Dixon House, Cleveland Road, Wolverhampton

PROPOSAL: One BT equipment cabinet (1.3mhigh, 0.75mwide, 0.4mdeep)

APPLICANT:

BT Group PLC
BT Centre
81 Newgate St
London
EC1A 7AJ

AGENT:

Mr Sebastian Bowe
Mono Consultants
Steam Packet House
76 Cross Street
Manchester
Greater Manchester (Met County)
M2 4JG

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site forms part of the highway at the end of Cleveland Road at its junction with Steelhouse Lane and Bilston Road. The proposal is set in a paved area, adjacent street bollards.

2. Application details

- 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 on the footpath on Cleveland Road. 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 Conservation Area - Cleveland Road Conservation Area

4. Relevant Policies

- The Development Plan
4.1 Wolverhampton's Unitary Development Plan
D6 - Townscape and Landscape
D7 - Scale - Height
D9 - Appearance

EP20 - Telecommunications
HE4 - Proposals Affecting a Conservation Area
AM15 - 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 EMP1 - Providing for Economic Growth and Jobs
ENV3 - Design Quality
CSP4 - Place Making

5. Environmental Impact Assessment Regulations

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

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

6. Publicity

6.1 No responses received to notifications, site notice or press notice.

7. Internal Consultees

7.1 **Historic Environment Team** -
No objections.

7.2 **Transportation Development** -
No objections.

8. Legal Implications

8.1 In the case of certain telecommunications equipment in Conservation Areas 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.
(LC/25072012/D)

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

Visual Appearance

- 9.2 UDP policies D6 ‘Townscape and 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 the 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 NPFF 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 designated to minimise its visual impact. This has been done.
- 9.4 This proposal is for a type of BT cabinet that is common on many streets in the city. It is set within the paved area at the end of Cleveland Road adjacent street bollards. At 1.3metres high and 0.75m wide, and coloured green, it will not be visually prominent in the streetscene. It therefore complies with policies D6, D&, 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.

Impact on the Conservation Area

- 9.6 All new developments within conservation area must 'conserve or enhance', the identified character of the conservation area. Given the small size, the neutral colour and the location of the cabinet, it is considered that this proposal will sufficiently conserve the character of the conservation area. It will therefore comply with the NPFF and UDP policy HE4 and BCCS policy CSP4.

Traffic and Pedestrian Flows and Safety

- 9.7 The small scale nature of the proposed cabinet, together with its location on Cleveland Road, it is considered that there should be no traffic pedestrian safety issues with it. It therefore complies with UDP policy AM15.

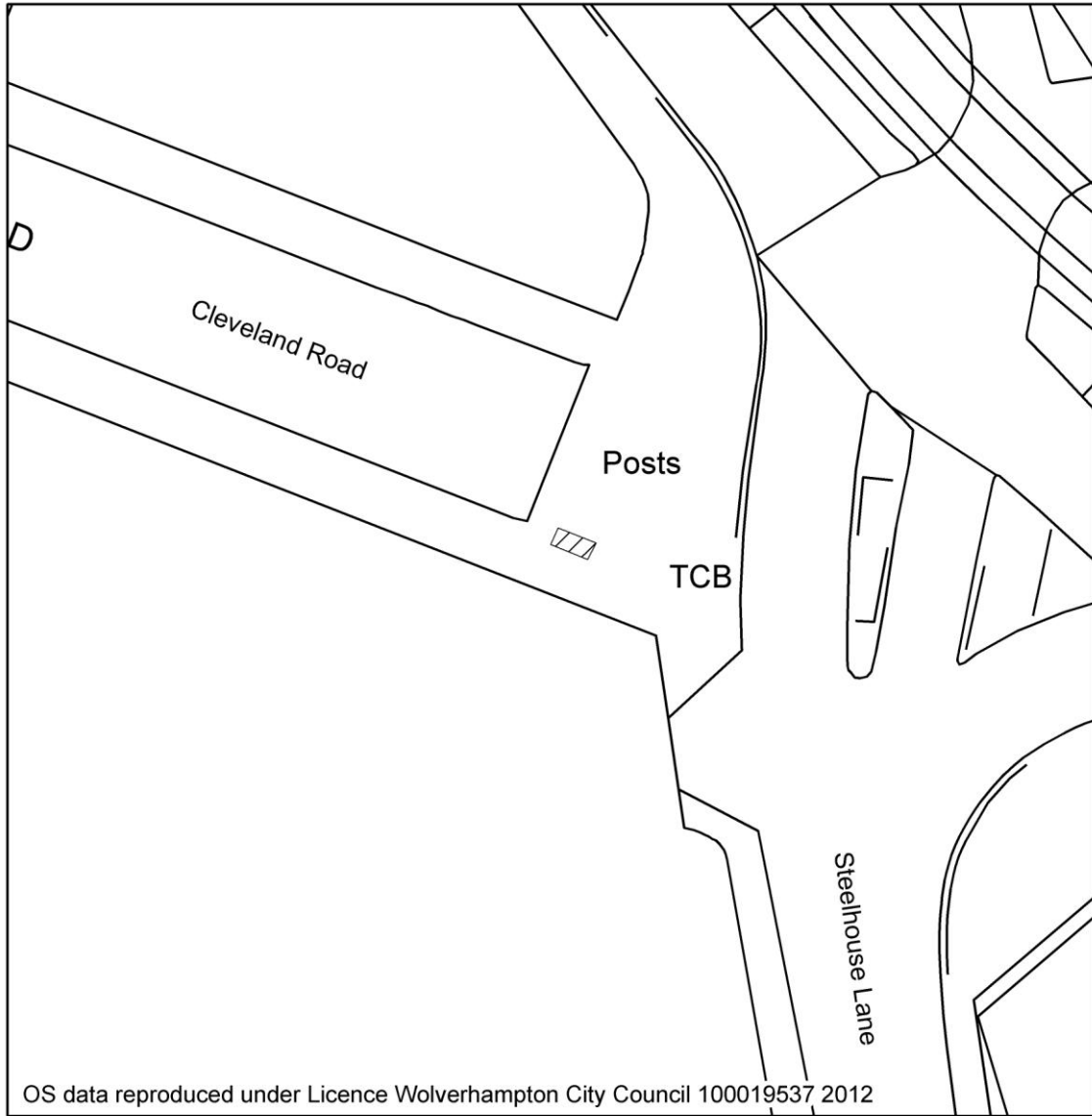
8. Conclusion

- 8.1 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 which has been demonstrated. It is of a small dimension and this together with its green colour and position, will acceptably reduce its visual impact, sufficiently preserve the character of the Cleveland Road 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.

9. Recommendation

- 9.1 That prior approval 12/00666/PA is given, subject to standard conditions.

Case Officer : Mr Ragbir Sahota
Telephone No : 01902 555616
Head of Planning – Stephen Alexander



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Planning Application No: 12/00666/PA

Location	Land Opposite Dixon House, Cleveland Road, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 392041 298204
Plan Printed	24.07.2012	Application Site Area	3m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00773/PA

WARD:

Bilston East

RECEIVED: 13.07.2012

APP TYPE: Prior Approval Required

SITE: Land Rear Of 41 Lichfield Street, Bow Street, Wolverhampton

PROPOSAL: 1 X BT DSLAM cabinet

APPLICANT:

BT Group PLC
BT Centre
81 Newgate St
London
EC1A 7AJ

AGENT:

Mr Sebastian Bowe
Mono Consultants
Steam Packet House
76 Cross Street
Manchester
Greater Manchester (Met County)
M2 4JG

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is the pavement on Bow Street, to the rear of No.41 Lichfield Street, Bilston. The proposal is set against the back edge of the footpath against the rear wall of the building at No.41 Lichfield Street.

2. Application details

- 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 on the footpath on Bow Street. This will house equipment connected with the provision of high speed fibre broadband services to residents and businesses in the area.

3. Constraints

Conservation Area - Bilston Town Centre Conservation Area

4. Relevant Policies

- The Development Plan
4.1 Wolverhampton's Unitary Development Plan
D6 - Townscape and Landscape
D7 - Scale - Height
D9 - Appearance

EP20 - Telecommunications
HE4 - Proposals Affecting a Conservation Area
AM15 - 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 EMP1 - Providing for Economic Growth and Jobs
ENV3 - Design Quality
CSP4 - Place Making

5. Environmental Impact Assessment Regulations

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

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

6. Publicity

6.1 No responses received to notifications, site notice or press notice.

7. Internal Consultees

7.1 **Historic Environment Team** -
No objections.

7.2 **Transportation Development** -
No objections.

8. Legal Implications

8.1 In the case of certain telecommunication equipment in conservation areas 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.
(LC/25072012/E)

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

Visual Appearance

- 9.2 UDP policies D6 ‘Townscape and 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 the 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 designated to minimise its visual impact. This has been done.
- 9.4 This proposal is for a type of BT cabinet that is common on many streets in the city. It is set at the back edge of the pavement in Bow Street, to the rear of No.41 Lichfield Street, Bilston. At 1.3metres high and 0.75m wide, and coloured green, it will not be visually prominent in the streetscene. It therefore complies with policies D6, D&, 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.

Impact on the Conservation Area

- 9.6 All new developments within conservation area must 'conserve or enhance', the identified character of the conservation area. Given the small size, the neutral colour and the location of the cabinet, it is considered that this proposal will sufficiently conserve the character of the conservation area. It will therefore comply with the NPFF and UDP policy HE4 and BCCS policy CSP4.

Traffic and Pedestrian Flows and Safety

- 9.7 The small scale nature of the proposed cabinet, together with its location on Bow Street, it is considered that there should be no traffic pedestrian safety issues with it. It therefore complies with UDP policy AM15.

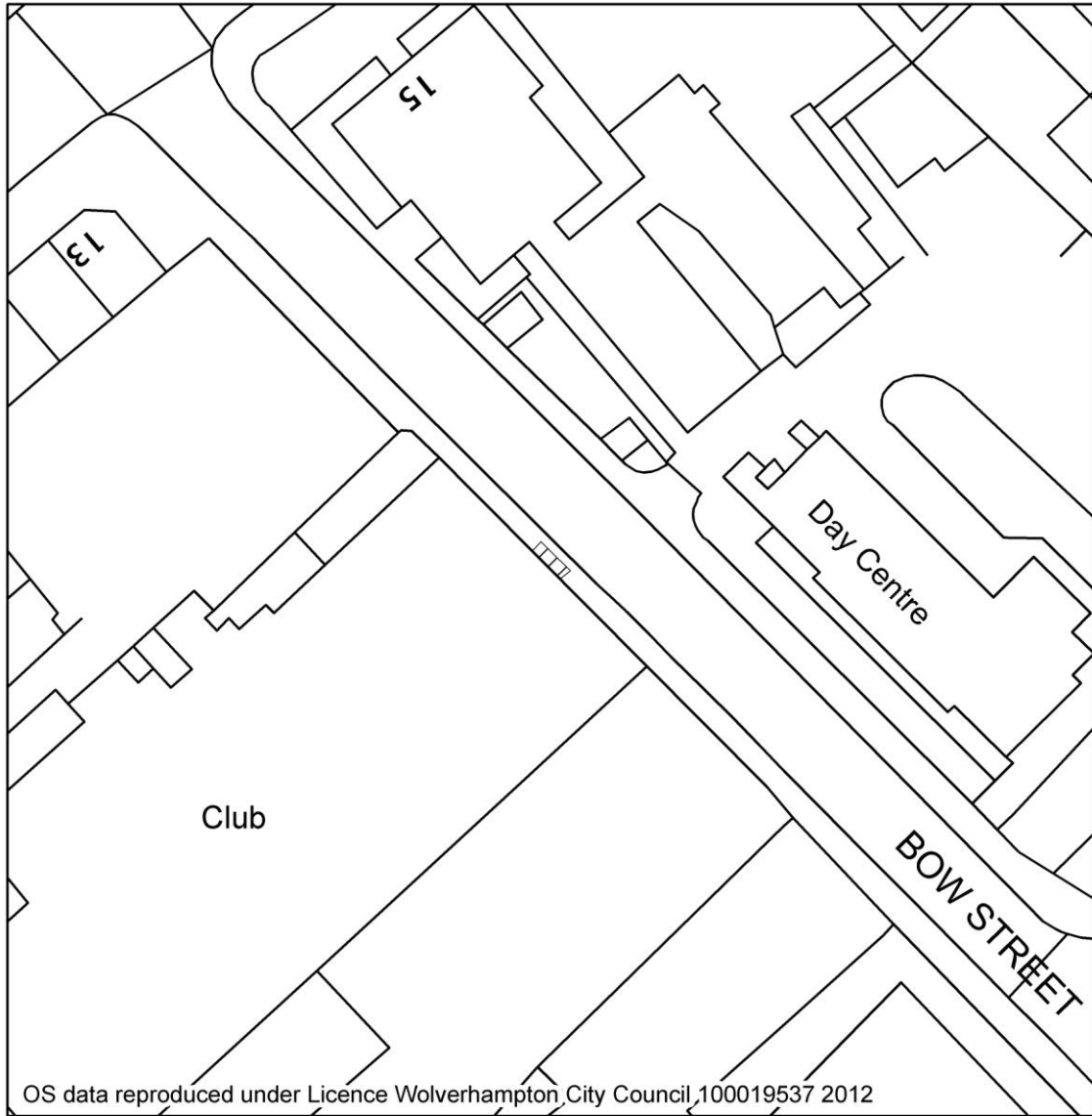
10. Conclusion

- 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, will acceptably reduce its visual impact, sufficiently preserve the character of the Bilston Town Centre 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

- 11.1 That prior approval 12/00773/PA is given, subject to standard conditions.

Case Officer : Mr Ragbir Sahota
Telephone No : 01902 555616
Head of Planning – Stephen Alexander



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Planning Application No: 12/00773/PA

Location	Land Rear Of 41 Lichfield Street,, Bow Street, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 395071 296608
Plan Printed	24.07.2012	Application Site Area	2m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00565/TEL **WARD:** Tettenhall Regis

RECEIVED: 28.06.2012

APP TYPE: Telecommunications Notification

SITE: The Kings C Of E School, Regis Road, Wolverhampton

PROPOSAL: Upgrading of existing telecommunications equipment

APPLICANT:

Everything Everywhere _ Hutchinson 3G
UK Ltd
C/o Agent

AGENT:

Mr Damian Hosker
WHP Wilkinson Helsby - Acquisition
Design and Construction
The Ponderosa
Scotland Lane
Horsforth
Leeds
LS18 5SF

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is the Kings School, located off Regis Road, west of the centre of Tettenhall and north-west of Wolverhampton City Centre. The school is set within a predominantly residential area although there are extensive open grounds to the south of the school buildings.

2. Application details

- 2.1 The proposal is the upgrading of the existing telecommunications equipment on the rooftop of the Kings School building with the provision of five equipment cabinets.
- 2.2 The equipment cabinets vary in size with the tallest cabinet measuring at 2metres in height and the smallest at 1metre in height.
- 2.3 The application is not a planning application, but a type of application known as 'Prior Notification'. This means that the Council has 56 days from the receipt of the application to make a decision on it. Failure to do so and deliver formal of that decision within 56 days means that the applicant is able to install the proposed telecommunications equipment without any formal approval. The 56 days expire on 22 August 2012.

3. Planning History

- 3.1 08/01246/DWO for Outline application for a new special school co located with the existing Kings Secondary School. Minor demolitions and refurbishment of the existing school,

Granted dated 08.01.2009.

- 3.2 06/0969/FP/C for Telecommunication development comprising of the replacement of Radio Base Station comprising 6No. pole mounted antennas 4No. dish antennas including cabinets and ancillary development, Refused dated 07.09.2006 Appeal Allowed 30.05.2007
- 3.3 06/0302/FP/C for Telecommunication development comprising of the replacement of Radio base station comprising 6No. antennas 4No. dish antennas including cabinets and ancillary development, Refused dated 13.04.2006.
- 3.4 01/0812/GT for Telecommunication equipment comprising removal of existing stub mast, cabinet and grillage and installation of 6 no. dual band polar antenna to be mounted on the face of the building and associated equipment compound on roof, Refused dated 18.07.2001.
- 3.5 97/0138/GT for Installation of telecommunications equipment on roof adjacent to existing equipment, Permitted Development dated 16.05.1997.
- 3.6 96/0855/GT for Installation of telecommunications equipment, Refused dated 19.09.1996.
- 3.7 96/0228/GT for Installation of equipment on roof of Regis School and the construction of radio equipment housings, Permitted Development dated 08.04.1996.

4. Relevant Policies

The Development Plan

- 4.1 Wolverhampton's Unitary Development Plan
 - D6 - Townscape and Landscape
 - D7 - Scale - Height
 - D8 - Scale - Massing
 - D9 - Appearance
 - EP20 - Telecommunications

Other relevant policies

- 4.2 National Planning Policy Framework

Wolverhampton's Supplementary Documents

- 4.3 Interim Telecommunications Policy

Black Country Core Strategy

- 4.4 CSP4 - Place Making
 - ENV3 - Design Quality

5. Environmental Impact Assessment Regulations

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

6. Publicity

- 6.1 Four letters of objection have been received, one which has been signed by five people. The main objections are to the impact on visual amenity by the additional equipment, the area has enough masts, danger to health and the contract for the equipment on the school building is due to expire in approximately 23 months, therefore this is a waste of money.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 7.2 In the case of mobile phone masts up to 15 metres and various other telecommunication apparatus there is a modified system of planning control that is governed by permitted development rights under Part 24 – Development by Electronic Communications Code Operators of The Town and Country Planning (General Permitted Development) Order 1995. The permitted development rights are subject to a number of conditions and importantly before development begins an application must be made to the local planning authority to determine whether it will require "prior approval" of the siting and appearance of the development.
- 7.3 The local planning authority is required to give notice to the applicant within 56 days of the receipt of the application if it requires prior approval. If the local planning authority 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.
[LC/26102012/A]

8. Appraisal

- 8.1 The key issues are: -
- Character and Appearance

- Perceived Health Issues

Character and Appearance

- 8.2 The proposal is “purely to upgrade and refresh the existing installation with equipment to facilitate” from the information accompanying the application. The proposal is to install five equipment cabinets which vary in height with the smallest being 1metre in height and the tallest 2metres. The other cabinets are 1.25metres and 1.65metres in height.
- 8.3 Permission was allowed on this site following an appeal to the Planning Inspectorate for the replacement radio base station comprising three antennas and three dish antennas and ancillary development with a glass reinforced plastic shroud on 30 May 2007 (APP/D4635/A/07/2035495). It is considered that significant weight should therefore be given to the fact that permission already exists for telecommunications equipment at the site.
- 8.4 The Council’s Interim Telecommunications Policy advises against telecommunications equipment being sited fronting main roads and in predominantly residential areas and in respect of installations on buildings, consideration should be given to the impact of the development on the architectural features of the building or from the street scene or skyline, equipment where possible, should be screened and where rooftop cabins would be visually prominent, consideration should be given to their location within the building or at ground level in screened or unobtrusive locations e.g. to the rear of the building.
- 8.5 In this instance, it is considered that the material factors should be taken into consideration particularly the planning inspector’s decision to allow telecommunications equipment at this site previously carries considerable weight, the fact that the equipment would be shared therefore avoiding the need the need for additional equipment elsewhere and the need for the facility. Although the equipment is sited on a building fronting the main road and in a predominantly residential area, the equipment is set back on the building and from the road and has been located approximately 40metres from the nearest residential property where also in part, the equipment will be obscured with tree screening.
- 8.6 It is therefore considered that the equipment is not considered to materially harm the visual appearance of the area and the character and appearance of the existing building and is offset by mitigating factors being the need for the facility, existing equipment exists at the site and therefore no need for other equipment elsewhere and that the site is being shared. The proposal is therefore compatible with UDP policies D6, D7, D9, EP20 and BCCS policies CSP4 and ENV3.

Perceived Health Issues

- 8.7 UDP policy EP20 states that “it is the view of Central Government that the planning system is not the place for determining health safeguards. In the Government’s view, if a proposed mobile base station meets the ICNIRP (International Commission for Non-Ionizing Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning or prior approval, to consider further the health aspects and concerns about them’. The application is supported by a

certificate which shows compliance with ICNIRP. The proposal is therefore in accordance with UDP policy EP20 and it is therefore considered that any perception of adverse effect on health which may be felt by local residents and other users could not form sound grounds for refusal.

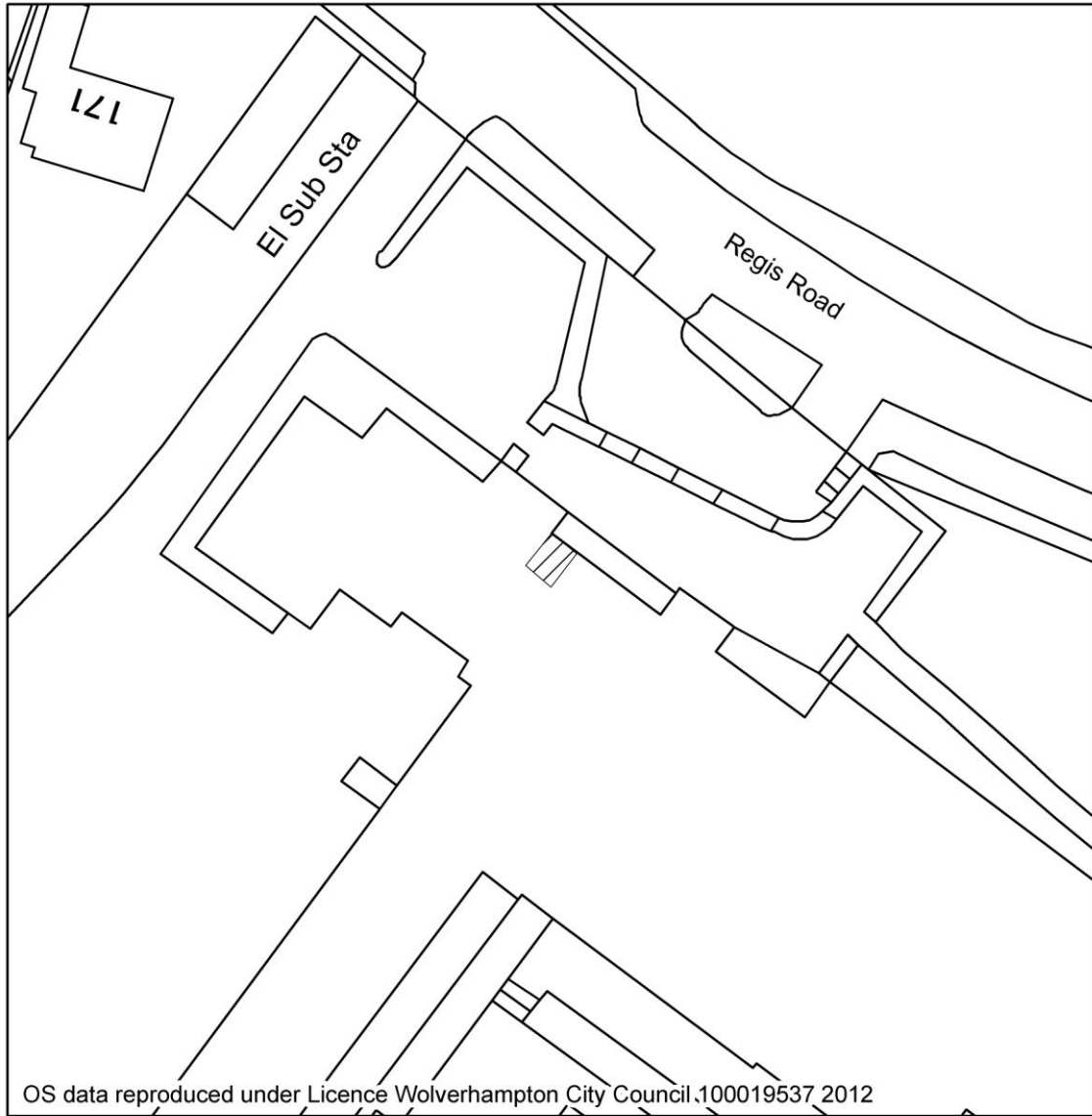
9. Conclusion

- 9.1 The proposed telecommunications equipment is considered to be on a site located within an area identified as a 'more sensitive' site as defined in the Council's Interim Telecommunications Policy. However on balance, when taking into consideration the existing equipment at the site, the need for the facility and the fact that operators are site sharing, the proposal is considered to be acceptable. The proposal is therefore compatible with UDP policies D6, D7, D9, EP20 and BCCS policies CSP4 and ENV3.

10. Recommendation

- 10.1 That application for prior approval reference 12/00565/TEL is given for the siting and appearance of the proposed telecommunications equipment.

Case Officer : Mr Ragbir Sahota
Telephone No : 01902 555616
Head of Planning – Stephen Alexander



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Planning Application No: 12/00565/TEL

Location	The Kings C Of E School, Regis Road, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 387668 300066
Plan Printed	24.07.2012	Application Site Area	6m ²

PLANNING COMMITTEE - 07-Aug-12

APP NO: 12/00171/FUL

WARD: Blakenhall

RECEIVED: 17.02.2012

APP TYPE: Full Application

SITE: Niphon Works, 43 - 68 Lower Villiers Street, Wolverhampton

PROPOSAL: Change of use and conversion of former industrial building to apartments and offices with associated parking and landscaped deck.

APPLICANT:

Future Home Developments
Staien A + P
Lucci House
The Old Tennis Courts
Tennal Grove, Harborne
Birmingham
B32 2HP

AGENT:

Mr Ray Staien
Staien A + P
Lucci House The Old Tennis Courts
Tennal Grove
Harborne
Birmingham
B32 2HP

COMMITTEE REPORT:

1. **Site Description.**

- 1.1 The premises are an imposing 19th Century four storey high brick and tile structure, one half of a very large rectangular courtyard. The other half is in separate ownership (the Marshalls Industrial Estate) and still in active use for various commercial enterprises. The half the subject of this application, appears to have only one active commercial user in a small part of it. The building is included on Wolverhampton's 'Local List' of buildings of historic interest, having been built (C 1865) for the use of Messrs. Robert Stroud and Co. the well-known cabinet and motor car body manufacturers and known earlier particularly for Japanese-style lacquering and tin-plating. The building is now in a poor state of repair and in urgent need of regeneration.
- 1.2 It is located within a mixed commercial and residential area. To the rear are the other commercial uses within the other half of the quadrangle. To the north and west are residential properties. To the south is a modern church building, set in large grounds.
- 1.3 Vehicular access is from Lower Villiers Street through an archway into an enclosed courtyard.

2. **Application Details.**

- 2.1 The application seeks full planning consent to convert the building into

21 residential units. Also proposed is a small office element, to separate the new residential uses from the commercial users in the adjoining part of the larger complex.

- 2.2 A third element of the scheme is the construction of a new atrium to link two otherwise separate elements of the existing building form, by roofing over an existing void space
- 2.3 A fourth element is the provision of outside amenity space in the form of a raised decking area over part of the courtyard.
- 2.4 The courtyard will be laid out with 12 car parking spaces, which together with additional spaces within the ground floor of the building, will provide a total of 22 spaces, including two disabled spaces.

3. Planning History

- 3.1 04/1563/FP/M for Change of use from commercial to 19 apartments with associated car parking,
- 3.2 This was refused, dated 20.10.2004, on the grounds of lack of information and detail, leading to concern that the scheme had not been based on a sufficiently detailed survey and archaeological appraisal and was therefore likely to have an adverse effect on the historic importance of the building, including unnecessary demolition of important parts of the building and lack of parking and highway safety.

4. Constraints

- 4.1 A 250m buffer zone around Authorised Processes –
Body Kraft Coach and Motor Works Ltd at Drayton Street, Process: Respraying of Road Vehicles
- 4.2 Kamal Dry Cleaners at 448 Dudley Road, Wolverhampton, Wv2 3AQ
Process: Dry cleaning
- 4.3 Mining Standing Advice area.
- 4.4 Locally listed building

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan and the Black Country Core Strategy.

AM12 - Parking and Servicing Provision
CSP4 - Place Making
D11 - Access for People with Disabilities part
D9 – Appearance

H7- Conversion of buildings from non-residential to residential use
H8- Open Space, Sport and Recreation Requirements for New Housing Developments.
EMP4 - Maintaining a Supply of readily Available Employment sites
H6 - Design of Housing Development
HE19 - Development Affecting a Local List Building
ENV2- Historic Character and Local Distinctiveness
ENV3- Design Quality

Other relevant policies

- 5.2 National Planning Policy Framework- Sets out the principle of a presumption in favour of sustainable Development and the desire to protect recognised 'historic assets'.
- 5.3 Wolverhampton's Supplementary Document No 3 'Residential Development'

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 One representation (verbal) from an adjoining residential occupier. This welcomes the scheme in principle, so long as the existing right of access along the side their property is unaffected- which it is not.
- 7.2. A letter from the Wolverhampton Civic and Historical Society. This expressed concern that the application was not accompanied by a Design & Access or Heritage Statement. These have since been obtained and the revised views of the Society invited. Any response will be reported verbally at Committee.

8. Internal Consultees

Environmental Health -

Seeking further information/clarification in respect of measures to protect future residential occupants from potential disturbance from adjacent commercial uses.

Historic Environment Team –

No objection subject to conditions to obtain full architectural drawings of sensitive changes/details.

Transportation Development -

No objections in principle, subject to further clarification/details in respect of parking and highway safety and confirmation that the developer will cover costs of such works and traffic regulation orders.

9. External Consultees

Wolverhampton Civic and Historical Society –

A letter from the Wolverhampton Civic and Historical Society. This expressed concern that the application was not accompanied by a Design & Access or Heritage Statement and not accompanied by sufficient detail in respect of the nature and importance of the historic asset and therefore also the impact of the proposed works on the historic asset.

NOTE: Since these comments, the applicant has submitted some further detail of which the Society has been informed. Any further comments will be reported at Committee.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LM/23072012/S)

11. Appraisal.

- 11.1. The key issues are;

- Loss of employment site
- Protection of a locally listed building
- 106 Requirements for Affordable Housing, public open space & Per-cent for Art
- Parking and highway safety matters
- Residential amenity/location close to adjacent commercial users.

Loss of employment land.

- 11.2 The application premises were originally built for the use of a nineteenth century manufacturer. It has been in use for various commercial purposes since then. However, as the manufacturing sector has declined, users have been occupying less of the building and maintenance has been patchy.
- 11.3 Presently there is only one commercial occupant in a small part of the building. The rest of the building is empty and in a very poor state of repair. It seems unlikely that any new commercial user would be found able to recover the cost of renovation and modernisation for a commercial use.
- 11.4 When in 2004 the last planning application was submitted it was not refused on the principle that the building should be retained for commercial use. So since at least 2004, the presumption has been that a residential use for the building would be acceptable in principle. The owner is therefore unlikely to have vigorously pursued replacement occupiers as existing ones have vacated.

Protection of a locally listed building.

- 11.5 The building has been included by the Council on its list of 'locally important buildings' of historic or architectural interest. The entry reads as follows; "Classic 19th Century factory building. Four storey frontage with tall narrow workshops to the rear. Decorative central bay with elaborate pediment and 'Nippon Works' in relief above the ground floor windows. Established c 1865 by Robert Stroud for the manufacture of tin trunks, tin-ware and japanned goods. Prominent landmark in local area.'
- 11.6 The Council's UDP policy HE18, states that 'The conservation of locally listed structures and sites through their retention, proper maintenance, sympathetic use and, where appropriate, restoration, will be encouraged.'
- 11.7 Overall the scheme has been well thought out and designed specifically to protect and respect the existing character of this locally listed building. It follows on from a very detailed archaeological survey of the building carried out on behalf of the applicant by the Birmingham Archaeological Unit. It retains as much of the original fabric of the building, including all existing windows and doorways and where new openings are essential to make the scheme work, these are suitably designed and detailed.
- 11.8 The conversion of the building to a residential use as proposed in this scheme will ensure that the building is regenerated, restored and given a sustainable use, which will ensure its long-term up-keep.

106 Requirements.

- 11.9 Under the terms of UDP policies H7, H8, and BCCS Policy CSP4, a scheme for the residential conversion of this building into 21 units, would require the developer to meet make several provisions, either on site, or in the form of a financial contribution to the Council to secure the provision on nearby sites. These are the provision of public open space; a percentage of 'affordable' units and a per-cent for art feature.
- 11.10 These requirements would clearly add a considerable additional cost to a scheme which, due to the extent of repairs needed and the quality and standard that will be expected of those repairs due to the local listing, will already be costly.
- 11.11 Given the already costly nature of the scheme, it is likely to already be a marginal one in terms of financial viability; the landmark nature of the building; the fact that it will involve the restoration of a locally listed building and the anticipated market for the accommodation (which is likely to be low cost sale and rent in this location), the additional costs associated with the 106 requirements, are likely to make the scheme unviable. On balance therefore, it is not proposed to recommend the 106 requirements be insisted upon in this instance.

Parking and highway safety matters.

- 11.12 The site is within a reasonable walking distance of main bus routes on Dudley Road and the local centre there also. The level of parking, at just over one space per unit, with the levels of cycle and motor cycle parking also indicated, is therefore acceptable.

11.13 There are however several design issues with the detailed parking layout and entrance from the highway, which need to be re-designed. These include modifications to the highway near the site and appropriate traffic regulation orders to prevent parking at the kerb-side to ensure visibility is maintained. The cost of these will need to be borne by the developer. Details of these changes and the applicant's agreement to cover the cost of these, are awaited at the time of writing.

Residential amenity/location close to adjacent commercial users.

11.14 The character of this locality is already one of a mix of residential and various commercial (mostly industrial) uses.

11.15 The building itself has always been in use for commercial purposes and as already stated, it is part of a larger complex of buildings which are still actively in use for a variety of offices, general industry and light industry uses. There is therefore a potential issue in respect of how best to ensure that these commercial uses, so close to the proposed residential users, will not create disturbance from potential noise, odours, dust or smoke, to an extent that it will unacceptably affect amenity for residents.

11.16 To address this potential issue, the application is accompanied by a noise and other impact assessment. This has been assessed by the Council's Public Protection Officers. They have asked for further detail on several aspects of the report and its recommendations, before they can be satisfied that sufficient safeguards are in place to protect future residential occupiers and avoid the possibility of residents making legitimate complaint against commercial users, potentially leading to action against their businesses.

11.17 The scheme itself seeks to isolate the residential units proposed from the adjacent commercial uses by several means, including the creation of two small office units to separate them and the building up of a raised landscaped decking area along the common boundary.

11.18 With this and a second landscaped area at ground floor level, together with the incorporation of a new atrium roof to link two otherwise separate section of existing buildings, to provide additional light into some of the flats, it is considered that the scheme provides a reasonable residential amenity. Most flats will have windows to main living rooms with aspect out onto the enclosed landscaped courtyard. Several new widow openings are proposed where needed, to provide good light. Several of these are onto the grounds of the adjoining Church premises.

12. Conclusion.

12.1 This is an important building in its own right recognised as such by the Council by adding it to its local list of buildings of historic and architectural importance. It is also an important building in the street, helping to define its character and its form. Its scale at three stories high, together with its width and its location at the back edge of footpath, also makes it a very imposing building. It is well worth retention for all these reasons. It has however fallen into disrepair as its economic basis has been eroded by changes in the British and local economy.

It is now in very urgent need of repair. Unless a viable use is found for it, then it will soon be beyond economic repair. This application represents the only opportunity so far put forward which might lead to a viable long term use for the building.

- 12.2 Even this scheme is probably only close to being viable, given the likely high cost of regenerating on this scale and to the standard which is expected for a locally listed building and in a manner which will provide acceptable residential amenity and long term protection from potential disturbance from adjoining commercial uses. For this reason the 106 contributions normally expected from a residential scheme of this scale are not recommended in order to help with its viability. In all other respects however, the scheme is considered to satisfactorily meet the requirements of the other planning policies set out in sections 5.1-5.3 above.
- 12.3 There are still outstanding matters in respect of highway safety and parking layout, together with issues surrounding the most effective ways of protecting residential occupants from possible disturbance from adjacent commercial uses. It is expected that these can be settled within a reasonable time-scale, in a satisfactory way and so delegated authority is requested to enable outstanding issues to be settled before planning consent is issued.

13. Recommendation

- 13.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00171/FUL subject to;
1. Receipt of satisfactory details in respect of protection of residential amenity from adjoining commercial uses.
 2. Receipt of satisfactory details in respect of parking and highway safety.
 3. Confirmation that the developer will cover the costs of on-highway works and traffic orders associated with the scheme.
 4. Necessary planning conditions including;
 - Landscape details and implementation.
 - Highway works details and implementation
 - Provision of car/cycle/motorcycle parking
 - Contamination report
 - Architectural details
 - Implementation of mitigation measure which may be agreed.
 - Photographic record to be made of all original features.

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



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Planning Application No: 12/00171/FUL

Location	Nippon Works, 43 - 68 Lower Villiers Street, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391358 297391
Plan Printed	24.07.2012	Application Site Area	1460m ²