

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel

PLANNING COMMITTEE

Date: 11th September 2012

Originating Service Group(s)

EDUCATION AND ENTERPRISE

Contact Officer(s)

**Stephen Alexander
(Head of Planning)**

Telephone Number(s)

(01902) 555610

Title/Subject Matter

PLANNING APPLICATIONS FOR DETERMINATION

Recommendation

Members are recommended to:

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

PLANNING COMMITTEE (11th September 2012)

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Guidance for Members of the Public

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

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

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

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

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

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

Legal Context and Implications

The Statutory Test

- 1.1 S70 of the Town and Country Planning Act 1990 provides that where a local planning authority is called upon to determine an application for planning permission they may grant the permission, either conditionally or unconditionally or subject to such conditions as they think fit or they may refuse the planning permission. However, this is not without further restriction, as s.70 (2) of the Town and Country Planning Act 1990 requires that the authority shall have regard to the provisions of the development plan so far as material to the planning application, any local finance considerations, so far as material to the application and to any other material considerations. Further, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Officers will give

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

Reasons for the Grant or Refusal of Planning Permission

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

Right of Appeal

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

The Development Plan

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

Environmental Impact Assessment Regulations

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

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

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

PLANNING COMMITTEE - 11-Sep-12

APP NO: 12/00635/FUL

WARD: Blakenhall

RECEIVED: 07.06.2012

APP TYPE: Full Application

SITE: 37 Dudley Walk, Wolverhampton, WV4 5HD

PROPOSAL: Single storey rear extension, first floor extension over garage, front porch, garage extension and loft conversion with dormer window to the rear

APPLICANT:
Mrs Hansa Patel
37 Dudley Walk
Wolverhampton
WV4 5HD

AGENT:
Mr Manjit Bhogal
1 Chillington Drive
Dudley
DY1 2GB

COMMITTEE REPORT:

1. Site Description

- 1.1 The application property is located in a predominately residential area.
- 1.2 The area is comprised of a mixture of detached and semi-detached properties with off street parking at the front.

2. Application Details

- 2.1 The proposal is for a single storey rear extension consisting of a kitchen and dining room.
- 2.2 A first floor extension over the garage for a study.
- 2.3 Loft conversion with a dormer window to the rear.
- 2.4 A front porch and garage extension.

3. Planning History

- 3.1 11/00648/FUL for Rear and side extension and porch extension to front, Refused, dated 01.09.2011.

4. Relevant Policies

- The Development Plan
- 4.1 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

H6 - Design of Housing Development

ENV3 - Design Quality

SPG4 - Extension to Houses

Other relevant policies

4.2 Wolverhampton's Supplementary Documents
SPG4 – Extensions to Houses

4.3 Black Country Core Strategy

5. Environmental Impact Assessment Regulations

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

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

6. Publicity

6.1 One representation has been received which is opposed to the proposal and they have requested to speak to Committee. The objections can be summarised as follows;

- There would be a reduced gap between No.37 and No.39;
- Detrimental effect on the streetscene; and
- Overbearing impact on No.39.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/21082012/G)

8. Appraisal

The key issues are;

- Design;
- Amenity; and
- Streetscene

Design

- 8.1 The proposed single storey rear extension, first floor extension over garage, front porch, garage extension, front porch and dormer window are considered to be of a good quality design which is in keeping with the character and appearance of the existing property. The design of the extensions, porch and dormer are considered to be acceptable and are in accordance with saved UDP Policy D9 and adopted BCCS Policy ENV3.

Neighbour Amenity

- 8.2 Planning application 11/00648/FUL for a rear and side extension and porch extension to the front was refused. After negotiation this application has been submitted.
- 8.3 The height of the proposed single storey rear extension is 3m at its highest point and falling down to 2.4m. The extension projects 5m beyond the rear elevation of existing property. Both the neighbouring properties have been extended to the rear with a single storey rear extension at No.35 and a conservatory at No.39. The proposed single storey extension would project approximately 2.5m beyond No.35 and approximately 1m beyond No.39 Dudley Walk. The proposed first floor extension over the garage does not project beyond the rear elevation of the existing property. However, there is to be a window to a study at first floor level in the rear elevation of the extension which would have to be obscure glazed to protect any overlooking of No.39. It is considered that the position of the proposed extensions is unlikely to have an adverse effect on the living conditions of the neighbouring properties and therefore the proposal is in accordance with saved UDP Policies D4, D6 and D8.
- 8.4 There is an existing 2m high fence along the adjoining boundary between the application property and No.39. The additional 1m to 0.5m height of the single storey rear extension above the boundary treatment is likely to have a minimal effect on the outlook from the extended part of the neighbouring property. As such, the height and massing of the proposed extension is considered to be acceptable and is in accordance with saved UDP Polices D7 and D8.
- 8.5 The application property has a large rear garden. The proposed single storey rear extension, first floor extension over the garage, front porch and garage extension would not substantially reduce the amenity space at the property and is in accordance with saved UDP Policy D6 and adopted SPG4.

- 8.6 The orientation of the application property is north facing. The height and massing and orientation of the proposed single storey rear extension is unlikely to affect the daylight/sunlight to the rear windows of No.39 and therefore is in accordance with saved UDP Policies D7 and D8.
- 8.7 The first floor extension has been set well back from the front elevation of the property, approximately 7m and therefore will not have a detrimental affect on the streetscene and is in accordance with saved UDP policy D4.

9. Conclusion

- 9.1 The proposal for a single storey rear extension, first floor extension over garage, front porch, garage extension and loft conversion with dormer window are now considered to be acceptable improvement on previous refused scheme in design and due to the orientation of the properties will not significantly affect the amenity of the neighbouring properties in terms daylight/sunlight. There will be a minimal effect on the outlook from the conservatory of the neighbouring property. Any overlooking from the window to the study in the first floor extension would be avoided by obscure glazing. The proposal complies with Wolverhampton UDP saved Policies D4, D6, D7, D8, D9, SPG4 and adopted BCCS Policy ENV3.

10. Recommendation

- 10.1 That planning application 12/00635/FUL be granted, subject to any appropriate conditions including:
1. Matching external materials.
 2. Obscure glazed rear first floor study window.

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



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Planning Application No: 12/00635/FUL

Location	37 Dudley Walk, Wolverhampton, WV4 5HD		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391388 296312
Plan Printed	29.08.2012	Application Site Area	627m ²

PLANNING COMMITTEE - 11-Sep-12

APP NO: 12/00819/FUL

WARD: Spring Vale

RECEIVED: 19.07.2012

APP TYPE: Full Application

SITE: Land At Greenock Crescent, Parkfields, Wolverhampton

PROPOSAL: 26 houses with associated works

APPLICANT:

Taylor Wimpey Midlands Ltd.
C/o Agent

AGENT:

David Onions
Pegasus Planning Group
5 The Priory
Old London Road
Canwell
Sutton Coldfield
B75 5SH

COMMITTEE REPORT:

1. Site Description

- 1.1 This 0.6ha site was part of the former GKN site, and is located approximately 2km south-east of the city centre. The land to the north and west is lower than the application site. The site has been cleared of buildings.
- 1.2 The site is bounded to the north and east by housing and to the west by housing and warehouses. To the south is a landscaping bund provided as part of the recently completed housing development. Vehicular access is from Greenock Crescent and Bowen Street and pedestrian access from Rothesay Gardens and Birmingham New road. A public footpath crosses the site.

2. Application Details

- 2.1 Of the 26 houses, three would be accessed from Bowen Street and the remainder from Greenock Crescent. Seven would have two bedrooms and 19 three bedrooms.

3. Planning History

- 3.1 A S106 related to the adjacent housing development required the application site to be provided to the Council for very sheltered housing. Cabinet Resources Panel on 29th November 2011 resolved that the Council no longer wished to take ownership of the site. The applicant subsequently requested to be released from the requirement to provide the land to the Council and this was agreed by Planning Committee on 31st January 2012. The deed of variation was completed on 28th February.

- 3.2 04/2069/RM - Layout and design of 294 dwellings, access roads, landscaping and retention of existing office building (Reserved Matters pursuant to 03/0158/OP). Granted 29.04.2005
- 3.3 03/0156/OP - Housing, very sheltered housing, B1,B2 & B8 Use (Business, General Industry and Storage/Distribution), open space and infrastructure. Granted 05.10.2004.

4. Relevant Policies

4.1 National Planning Policy Framework

4.2 Black Country Core Strategy

- CSP4 Place-Making
- HOU1 Delivering Sustainable Housing Growth
- HOU2 Housing Density, Type and Accessibility
- EMP5 Improving Access to the Labour Market
- TRAN2 Managing Transport Impacts of New Development
- TRAN4 Creating Coherent Networks for Cycling and for Walking
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7 Renewable Energy
- ENV8 Air Quality
- WM1 Sustainable Waste and Resource Management
- WM5 Resource Management and New Development

4.3 Unitary Development Plan

- D3 Urban Structure
- D4 Urban Grain
- D5 Public Realm Public Open Private Space
- D6 Townscape and Landscape
- D7 Scale - Height
- D8 Scale - Massing
- D9 Appearance
- D10 Community Safety
- D11 Access for People with Disabilities part
- D14 The Provision of Public Art
- EP4 Light Pollution
- EP5 Noise Pollution
- EP9 Sustainable Drainage Arrangements for Development
- EP11 Development on Contaminated or Unstable Land
- EP12 Reclamation of Derelict Land
- N9 Protection of Wildlife Species
- R4 Development Adjacent to Open Spaces
- H4 Housing Allocations
- H6 Design of Housing Development
- H8 Open Space, Sport and Recreation Requirements for New Housing Developments
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

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 **Environmental Health** - No objections. All habitable rooms to be fitted with acoustic trickle vents. A construction management plan and further ground investigation required by condition.
- 7.2 **Landscape & Ecology** – Further bat surveys required before grant of planning permission. All other recommendations of the ecological survey should be implemented. If the development does not proceed for more than 12 months from the date of planning consent, the ecological report should be updated.
- 7.3 **Transportation Development** – no objection. The public right of way would need to be legally diverted or extinguished.

8. External Consultees

- 8.1 **The Coal Authority** – no objection
- 8.2 **Police** – no objections in principle. However layout could be improved by increasing wall heights and defining public/private realm. Including side windows would increase surveillance.
- 8.3 **Severn Trent Water Ltd** – no objection subject to submission of drainage details.

9. Legal Implications

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

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

Conservation of Species Protected by Law

- 9.3 The Council is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (“the Habitats Regulations”) and is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)(“the Habitats Directive”) in the exercise of its functions so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. The Council should give due weight to the presence of protected species on a development site and to reflect these requirements in reaching planning decisions. Regulation 40 and Schedule 2 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species. In addition they are also protected under part 1 of the Wildlife and Countryside Act 1981.
- 9.4 Paragraph 99 of Circular 06/2005 ‘Biodiversity and Geological Conservation - Statutory Obligation’ and the Impact Within the Planning System should be noted. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted. Otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances. [LC/30082012/H]

10. Appraisal

- 10.1 The key issues are:

- Principle of residential development
- Layout, scale and appearance
- Ecology
- Planning obligations (S106)

Principle of Residential Development

- 10.2 The site is located in a residential area and is suitable for residential development in accordance with BCCS policies HOU1 and HOU2 and UDP policy H4.

Layout, Scale & Appearance

- 10.3 The loss of the public right of way across the site would be acceptable as there is a properly lit and surfaced alternative route which does not substantially add to the distance travelled. Subject to some minor improvements relating to security - windows in side elevations, increasing the wall heights, and defining the public/private realm - the details of the proposal would be acceptable and in accordance with UDP policies D4, D5, D6, D7, D8, D10 and H6.

Ecology

- 10.4 Bat surveys are required prior to the grant of planning permission. Subject to the receipt of a further bat survey, the development would be in accordance with BCCS policy ENV1 and UDP policy N9

Planning Obligations

- 10.5 In accordance with adopted planning policy the following are required:
- 25% affordable housing
 - Contribution of £158,732 (BCIS indexed) for the provision/enhancement of offsite open space and play facilities
 - 10% renewable energy
 - Public art (1% of construction costs)
- 10.6 The applicants are seeking a reduction in S106 obligations on the grounds of a lack of financial viability.
- 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.
- 10.8 The applicants have submitted a financial viability appraisal (FVA) which is being considered independently by the District Valuer (DV).
- 10.9 Should it be demonstrated that the scheme is unviable then it would be justified to reduce or waive contributions commensurate with the lack of viability, in order to support early development.
- 10.10 Subject to further consideration of the amount of any reduction, it is recommended that the reduction/waiver 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 accords with the development plan, subject to the submission of acceptable bat surveys, minor amendments to improve security, a S106 agreement and conditions as recommended.

12. Recommendation

- 12.1 That the Interim Director for Education and Enterprise to be given delegated authority to grant planning application 12/00819/FUL subject to:
- (i) The receipt of satisfactory bat surveys;
 - (ii) Minor amendments to improve security;
 - (iii) Negotiation and completion of a Section 106 Agreement to include:
If viable:
 - 25% of housing to be affordable
 - Off-site POS and play facilities contribution of £158,732 (BCIS)

- 10% renewable energy
- Public art

If not viable:

A waiver or reduction in planning obligations, commensurate with the lack of viability demonstrated, with the reduced requirement applying on a pro-rata basis to all houses ready for occupation within three years of the date of this Committee and the full contribution applying on a pro-rata basis to all those that are not ready for occupation at that time.

- (ii) Any necessary conditions to include:
- Materials
 - Acoustic trickle vents
 - Follow up ecological survey
 - Landscaping
 - Further ground investigation
 - Drainage
 - Measure to mitigate impact of construction on local residents including no construction outside hours of 8-1800 Monday-Friday, 0800-1300
 - Saturdays and at no times on Sundays or Bank Holidays
 - Waste management plan
 - Targeted recruitment and training

Note for Information – Public Right of Way

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



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Planning Application No: 12/00819/FUL

Location	Land At Greenock Crescent, Parkfields,Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392450 296307
Plan Printed	29.08.2012	Application Site Area	6417m ²

PLANNING COMMITTEE - 11-Sep-12

APP NO: 12/00923/FUL

WARD: St Peters

RECEIVED: 08.08.2012

APP TYPE: Full Application

SITE: The Varsity, Stafford Street, Wolverhampton, WV1 1LZ

PROPOSAL: Change of use from public house to a multi-use space for educational purposes including a reception for Graduation and Open Day functions and information purposes

APPLICANT:

Miss Laura Marshall
University of Wolverhampton
MX Building
MX307
Camp Street
Wolverhampton
WV1 1AD

AGENT:

COMMITTEE REPORT:

1. Site Description

1.1 This public house, formerly known as The George Hotel, dates from circa 1930 and is prominently located on the northern corner of Stafford Street and Wulfruna Street. It is within the City Centre Conservation Area and is a locally listed building. The pub recently ceased trading.

2. Application Details

2.1 This application is for change of use only. It is proposed to use the building for University related uses.

2.2 The applicant states that the building was acquired because its location serves as a natural gateway to the University. Its acquisition provides an opportunity to provide a unified students support centre, to consolidate its recruitment and retention of students and to grow the University business in respect of part-time and international students.

2.3 Internal alterations are proposed, which would not require planning permission. There is an aspiration for a future rear extension to the building, to link it into the campus.

2.3 The University point out that The Varsity delivered a food and drink offer aimed at students, who will continue to be well catered for.

3. Relevant Policies

The Development Plan

- 3.1 Wolverhampton Unitary Development Plan
 - C1 Health, Education and other Community Services
 - C3 Community Meeting Places
 - CC6 Shopping Quarter (Primary Shopping Area)
 - CC7 Cultural Quarter
 - CC8 University Quarter
- 3.2 Black Country Core Strategy
 - HOU5 Education and Health Care Facilities
- 3.3 Other relevant policies
 - National Planning Policy Framework (NPPF)

4. Environmental Impact Assessment Regulations

- 4.1 "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)"
- 4.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

5. Publicity

- 5.1 No representations received.

6. Legal Implications

- 6.1 General legal implications are set out at the beginning of the schedule of planning applications. [LC/30082012/A].

7. Appraisal

- 7.1 Because no physical alterations are proposed as part of this application there would be no unacceptable impact on the Conservation Area or the locally listed building.
- 7.2 Although the site is within the Shopping Quarter, it is the only building within this street block that is not within the University Quarter. The building does not have a shop use and so the proposal would not harm the shopping quarter.

- 7.3 Development Plan policies C1 and HOU5 support the expansion and improvement of higher educational facilities in accessible locations.
- 7.4 Policy C3 seeks to protect community meeting places, including pubs, except where specified criteria are met. The Varsity predominantly catered for students. There are numerous other outlets in the immediate vicinity which cater for that 'community' and so there is no 'need' for the facility. No information has been submitted regarding the economic viability of The Varsity.
- 7.5 In this case the economic viability of the public house is not the critical issue. It is a matter of balancing the Development Plan aspiration to safeguard community facilities against the Plan's aspiration to support the expansion and improvement of higher educational facilities.
- 7.6 The University plays a key role in the prosperity and success of Wolverhampton. Therefore, the harm caused by the loss of this public house is clearly outweighed by the benefits to the University and the proposal is in accordance with the development plan.

8. Recommendation

- 8.1 That Planning Application 12/00923/FUL be granted.

Case Officer : Mr Ian Holliday
Telephone No : 01902 555630
Head of Planning – Stephen Alexander



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Planning Application No: 12/00923/FUL

Location	The Varsity, Stafford Street, Wolverhampton, WV1 1LZ		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391531 298832
Plan Printed	29.08.2012	Application Site Area	682m ²

PLANNING COMMITTEE - 11-Sep-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. Introduction

- 1.1 This application was deferred by Planning Committee on 7th August for a site visit.

2. Site Description

- 2.1 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.
- 2.2 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.

3. Application Details

- 3.1 The application proposes a detached two storey house.

4. Planning History

- 4.1 **12/00548/FUL.** Erection of a detached house. Refused 21.06.2012.

- 4.2 **11/00544/FUL.** Proposed side and rear extension to existing bungalow and new vehicular access off Wrekin Lane. Granted 30.06.2011.
- 4.3 **10/00800/FUL.** Demolition of existing bungalow and erection of two detached dwellings. Refused 12.10.2010. Appeal dismissed.
- 4.4 **09/01183/FUL.** Demolition of existing bungalow and erection of two detached dwellings. Refused 01.04.2010.

5. Relevant Policies

- 5.1 National Planning Policy Framework
- 5.2 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
- 5.3 Wolverhampton's Unitary Development Plan
 - D3 Urban Structure
 - D4 Urban Grain
 - D5 Public Realm Public Open Private Space
 - D6 Townscape and Landscape
 - D7 Scale - Height
 - D8 Scale - Massing
 - D9 Appearance
 - D10 Community Safety
 - D11 Access for People with Disabilities
 - D13 Sustainable Development Natural Energy
 - EP1 Pollution Control
 - 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
- 5.4 Wolverhampton's Supplementary Documents
 - SPG3 – Residential Development

6. Environmental Impact Assessment Regulations

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

necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

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

7. Publicity

- 7.1 Eight 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

8. Internal Consultees

- 8.1 Environmental Services – No objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications (LM/09082012/E).

10. Appraisal

- 10.1 Key issues:
- Design, Layout and Appearance
 - Access and Parking
 - Residential Amenity

Design, Layout and Appearance

- 10.2 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

- 10.3 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

- 10.4 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.
- 10.5 The private amenity area is of sufficient size to support the proposed dwelling.
- 10.6 The proposal is in accordance with UDP policies H6 and SPG3.

11. Conclusion

- 11.1 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.

12. Recommendation

- 12.1 That planning application 12/0003/FUL be granted, subject to any appropriate conditions including:
- Submission of materials
 - Sustainable drainage
 - Operational hours during demolition and construction
 - Landscaping and boundary treatments
 - Remove permitted development for extensions (including dormer roof 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	29.08.2012	Application Site Area	925m ²

PLANNING COMMITTEE - 11-Sep-12

APP NO: 12/00765/FUL

WARD: St Peters

RECEIVED: 10.07.2012

APP TYPE: Full Application

SITE: 275 Dunstall Road, Wolverhampton, WV6 0NY

PROPOSAL: Installation of new doorway to shop front

APPLICANT:

Mrs Shember Kaur
Sole Trader
275 Dunstall Road
Wolverhampton
WV6 0NY

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The application relates to an end terrace property on the corner of Dunstall Road and Craddock Street. The property has an established retail use. The development has been implemented and the unit is currently operating as a convenience store with a fruit and vegetable display outside of the new access door.
- 1.2 The immediately adjoining properties are residential.

2. Application details

- 2.1 This retrospective application has been made to retain the installation of a new doorway replacing an existing window. The proposal would provide a second access into an existing retail unit. The works have already been implemented.

3. Planning History

- 3.1 07/00068/FUL for Change of use to hot food take away (use class A5), Refused, dated 12.03.2007.
- 3.2 C/3685/89 for new shop entrance - Granted, dated 09.02.1990.

4. Relevant Policies

- The Development Plan
- 4.1 Wolverhampton's Unitary Development Plan
D9 - Appearance
D10 - Community Safety

EP1 – Pollution Control
EP4 - Light Pollution
EP5 - Noise Pollution
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security

Black Country Core Strategy

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 Two representations received including a petition containing 18 signatures. These objected to the proposal on the following grounds;
- Noise disturbance
 - Increased traffic, parking problems and obstructing the highway
 - The development has been implemented without planning permission.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications. [LC/29082012/G]

8. Appraisal

- 8.1 The key issues are: -
- Noise and disturbance
 - Design and appearance
 - Impact on highway safety

Noise and disturbance

- 8.2 The proposed works have been completed and the doorway is being used. The doorway provides a secondary access into the shop, and is currently being used adjacent to the fruit and vegetable display which is provided to the front of the building. The original access to the building has been retained and is used at the same time.
- 8.3 The new access is adjacent to 273 Dunstall Road. This is an end of terrace residential dwelling house. Objections have been received with concerns that the use of the new access could cause undue noise disturbance adversely affecting neighbour amenity.
- 8.4 The new access is close to the adjacent residential dwellinghouse. Its use by customers will be noticeable from the front bay window of this house, although this will be largely visibly screened by the fruit and vegetable display cabinet situated on the common boundary. Its use could give rise to a degree of noise disturbance from customers coming and going. However, as the doorway provides a secondary access to the premises it is considered that its use could be conditioned to certain hours of the day. This would ensure that any possible noise disturbance caused by its use does not occur at unsociable hours of the day therefore not adversely affecting neighbour amenity to an unacceptable degree.
- 8.5 It is therefore recommended that access doorway should be conditioned to remain closed to customers and not used outside the following hours 0800 to 2000. The proposal would therefore be in accordance with UDP policies EP1 and EP5.

Design and appearance

- 8.6 The installation of the doorway, replacing a modern bay window, does not adversely impact on the design and appearance of the building and is considered appropriate. The development is therefore in accordance with the UDP policy D9 and BCCS policy ENV3.

Impact on highway safety

- 8.7 The installation of the doorway would not impact on highway safety to an unacceptable degree. Concerns have been raised regarding the potential obstruction of the highway footpath from the display of produce associated with the shop, however this appears to be contained within privately owned land and would not impact on highway safety. The proposal is therefore satisfactory in respect of UDP policy AM12 and AM15.

9. Conclusion

- 9.1 Provided that the access doorway remains closed and is not used by customers or other activity associated with the use, including deliveries, outside the following hours of 0800 to 2000, it is considered that the proposal would not adversely affect neighbour amenity to an unacceptable degree in terms of noise disturbance.
- 9.2 The design and appearance of the installed doorway is satisfactory and does not detract from the design and appearance of the building.

9.3 The works and associated activity regarding the use of the doorway are contained within the boundary of the property and would not adversely impact on highway safety.

10. Recommendation

10.1 That Planning Application 12/00765/FUL be granted, subject to the following conditions:

- Hours of use for the doorway be restricted to 0800 to 2000 hours only.

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



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Planning Application No: 12/00765/FUL

Location	275 Dunstall Road, Wolverhampton, WV6 0NY		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390696 300049
Plan Printed	29.08.2012	Application Site Area	120m ²

PLANNING COMMITTEE - 11-Sep-12

APP NO: 12/00857/FUL

WARD: St Peters

RECEIVED: 26.07.2012

APP TYPE: Full Application

SITE: Wolverhampton University Faculty Of Art & Design Building, Molineux Street, Wolverhampton

PROPOSAL: Telecommunications - Replacement of 1no. existing 300mm dish antenna to be replaced with 1no. 600mm dish antenna, attached as existing onto the vacated support pole at the rooftop telecommunications site.

APPLICANT:
'Everything Everywhere'&'3'
Hatfield Business Park
Hatfield
Herts
AL10 9BW

AGENT:
Mr Sean McHenry
Daly International
Fairbank House
Ashley Road
Altrincham
WA14 2DP

COMMITTEE REPORT:

1. Site Description

1.1 The application site is the Wolverhampton University Faculty of Art and Design Building which is located on the northern side of Ring Road St Peter's close to its junction with Stafford Street.

2. Application details

2.1 The application is for the replacement of 1no. existing 300mm dish antenna to be replaced with 1no. 600mm dish antenna attached to the existing vacated support pole on the rooftop of the building.

3. Planning History

3.1 A number of applications have recently been approved for the replacement of equipment on the rooftop of the building.

4. Relevant Policies

The Development Plan
4.1 Wolverhampton's Unitary Development Plan
D6 - Townscape and Landscape
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 The application has been advertised by press and site notice and at the time of writing this report, no objections had been received.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications. (LC/23082012/G)

8. Appraisal

- 8.1 The key issues are: -
- Character and Appearance
 - Perceived Health Issues

Character and Appearance

- 8.2 The information submitted with the application states that the additional dish is required to optimise the efficiency of the network by improving the link between the application site and surrounding cell sites, and to accommodate the provision of coverage for additional operators from this installation.
- 8.3 The statement goes on further to advise that the proposed scheme will provide coverage for '3' and 'everything everywhere'. Under 'everything everywhere',

T-Mobile and Orange have developed the capability to share frequencies, allowing a customer of either operator to receive telecommunications coverage from each operators' broadcasting sites. '3' and 'everything everywhere' are now sharing a number of sites around the country. This enables the provision of coverage for three operators through one visible telecommunications installation. These innovative solutions are reducing the overall number of telecommunications sites required throughout the country and have already seen a number of telecommunications sites being decommissioned.

8.4 The proposed replacement of an existing 300mm dish with a 600mm dish attached to the existing vacated support pole on the rooftop of the building is of a similar design and appearance to the existing equipment on the rooftop. It is considered that there would be no change to visual amenity or detrimental impact to the character and appearance of the building.

8.5 The proposed telecommunications equipment is therefore considered to be in accordance with advice set out in UDP policy EP20 'Telecommunications' and 'Interim Telecommunications Policy'.

Perceived Health Issues

8.6 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.

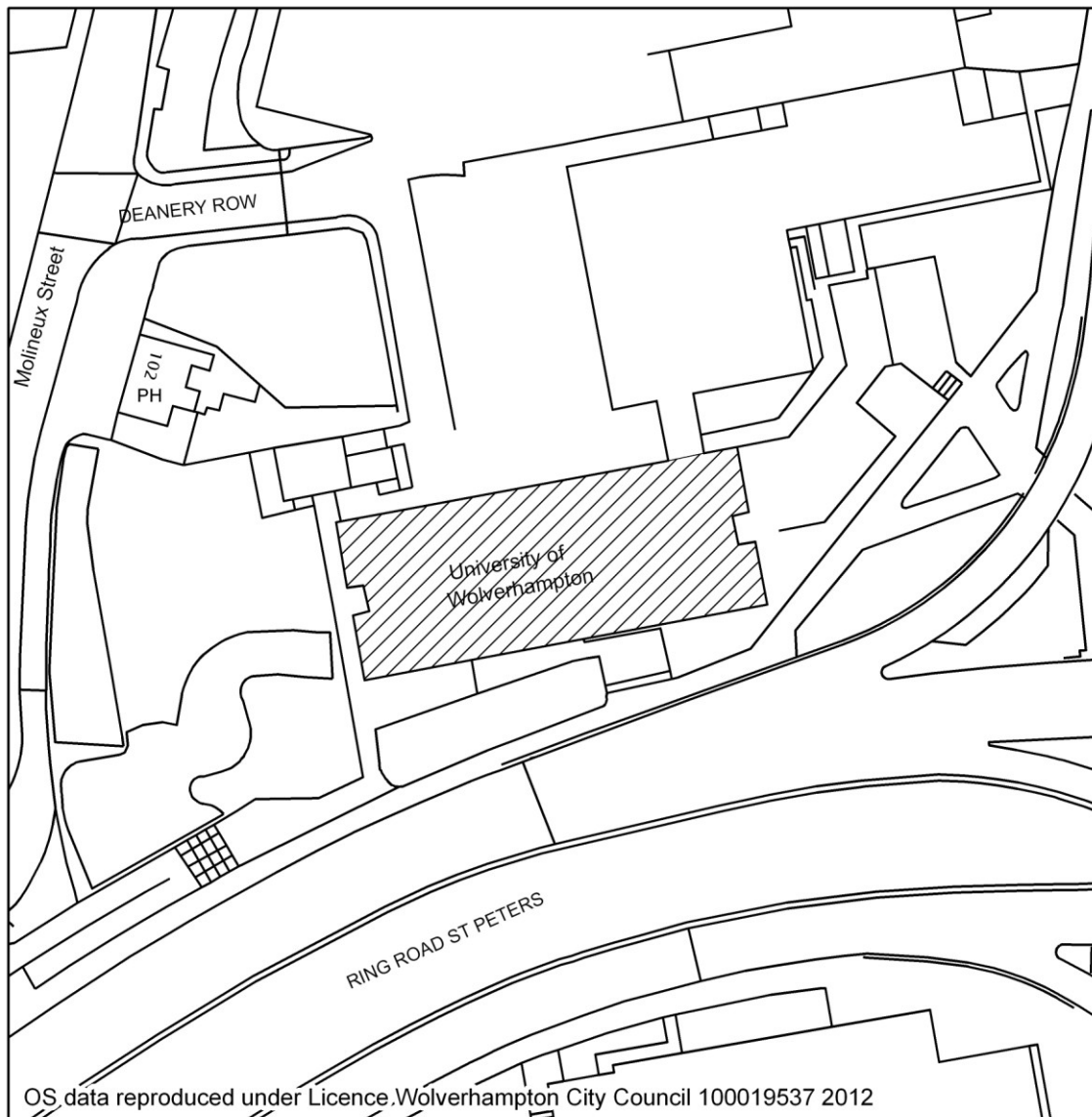
9. Conclusion

9.1 Taking into consideration all material factors, with the site being an existing telecommunications development site with existing equipment on the rooftop of the building, 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, D9, EP20 and BCCS policies CSP4 and ENV3 and the Council's Interim Telecommunications Policy.

10. Recommendation

10.1 That planning application 12/00857/FUL be granted.

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



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Planning Application No: 12/00857/FUL

Location	Wolverhampton University Faculty Of Art & Design Building, Molineux Street, Wolverhampton,		
Plan Scale (approx)	1:625	National Grid Reference	SJ 391414 299081
Plan Printed	29.08.2012	Application Site Area	1179m ²

PLANNING COMMITTEE - 11-Sep-12

APP NO: 12/00876/PA

WARD: Graiseley

RECEIVED: 30.07.2012

APP TYPE: Prior Approval Required

SITE: Street Record, Stubbs Road, Wolverhampton

PROPOSAL: Installation of one BT equipment 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 site is on an open paved area on Stubbs Road, close to the junction with Duke Street' at the back edge of footpath and hard up against the front garden wall of No 38.

2. Application detail

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

3. Constraints

- 3.1 The site is just outside the Pennfields Conservation Area.

4. Relevant policies

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

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

Other relevant policies

4.2 National Planning Policy Framework

Wolverhampton's Supplementary Documents

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

Black Country Core Strategy

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

5. Environmental Impact Assessment Regulations

5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.

5.2 This 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

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

7. Internal consultees

7.1 Transportation Development

The proposed cabinet would be within the extents of the adopted highway, but would not result in an unacceptable narrowing of the footpath or impact upon visibility. No transportation objections to the proposal.

8. Legal Implications

8.1 In the case of mobile phone masts up to 25 metres there is a modified system of planning control that is governed by permitted development rights under Part 24- development by Electronic Communications Code Operators of The Town and Country Planning (General Permitted Development) Order 1995. The permitted development rights are subject to a number of conditions and importantly before development begins an application must be made to the

local planning authority to determine whether it will require “prior approval” of siting and appearance of the development.

- 8.2 The local planning authority is required to give notice to the applicant within 56 days of receipt of the application if it requires prior approval. If the local planning authority do consider it requires prior approval then it must proceed to approve or refuse the application within 56 days and notify the applicant within that time. There is no ability to extend this time limit by agreement or otherwise and failure to act in the prescribed period will mean that the development will be deemed to have consent.

9. Appraisal

- 9.1 The key issues are: -

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

9.2 Visual Appearance.

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

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

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

- 9.5 It is one of very many such cabinets which will be put in place around the city by BT. 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. In submissions with the application, the applicant states that the equipment is needed to. 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. It can therefore be said to have met the requirements of the relevant

policies and guidance. In this respect it will comply with UDP policies EMP1 and EP20.

9.6 Impact on the Conservation Area

The location is right on the boundary with but outside of, the Pennfields Conservation Area . Given this fact and the small size, the neutral colour and the location of the cabinet set against a brick wall at the back-edge of the footpath, it is considered that this proposal will sufficiently conserve the character of the conservation area. It will therefore comply with the NPPF, and UDP policy HE4 and BCCS Policy CSP4.

9.7 Traffic and Pedestrian Flows and Safety.

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

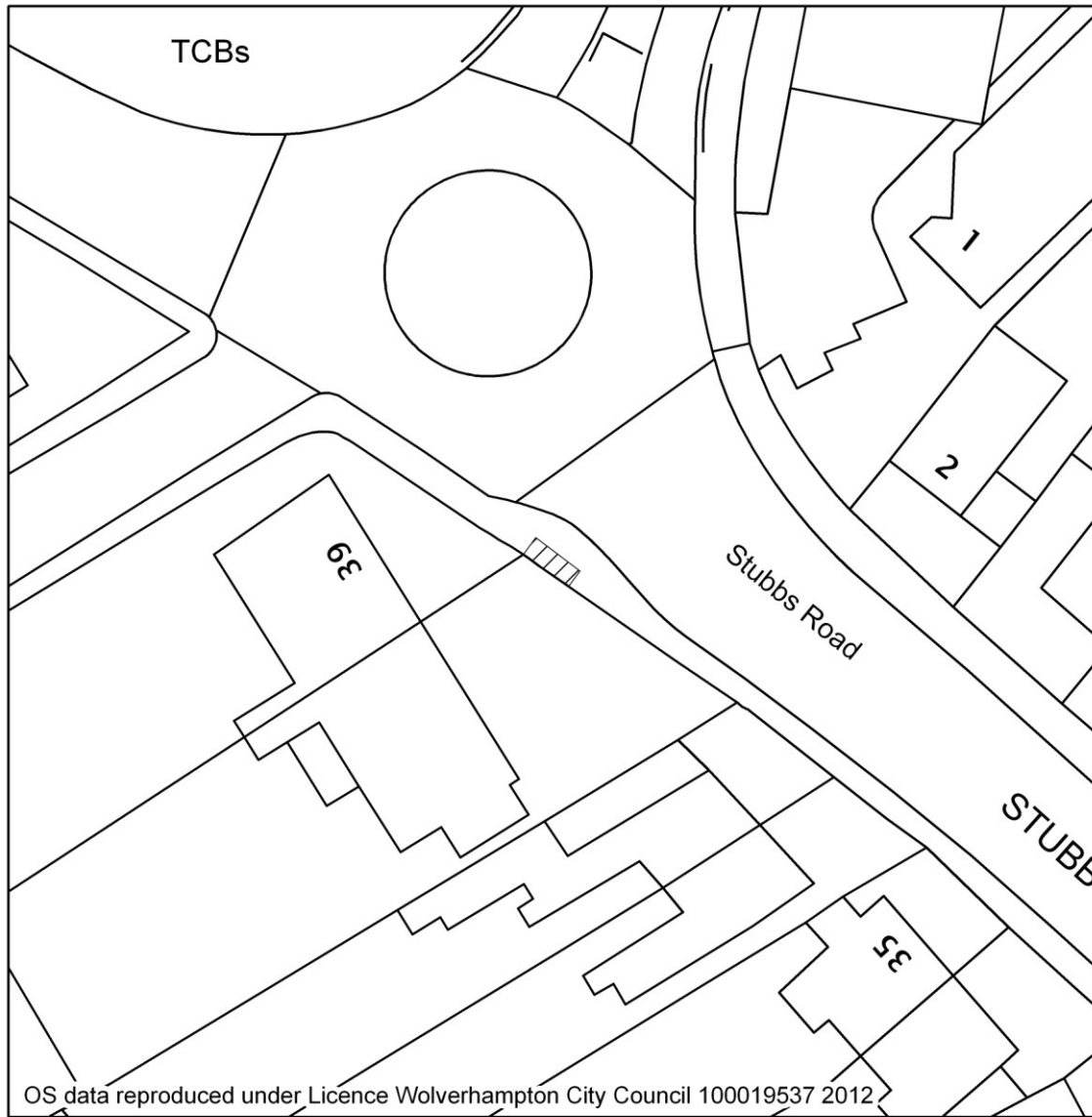
10. Conclusion

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

11. Recommendation

That Prior Notice application 12/00876/PN be granted, subject to standard conditions:

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



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Planning Application No: 12/00876/PA

Location	Street Record, Stubbs Road, Wolverhampton,		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390252 297068
Plan Printed	29.08.2012	Application Site Area	5m ²