

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 2nd October 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 (2nd October 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 - 02-Oct-12

APP NO: 12/00749/FUL

WARD:

Bushbury South And
Low Hill

RECEIVED: 06.07.2012

APP TYPE: Full Application

SITE: 3 Raynor Road, Wolverhampton, WV10 9QY

PROPOSAL: Erection of new shop (Use Class A1 Retail) to create an additional unit

APPLICANT:

Mr Balbir Ghateaura
19 Lambert Road
Fallings Park
Wolverhampton
WV10 9RF

AGENT:

Mr Peter Tyler
Seven Design Build
20 Bridgnorth Road
Wombourne
Wolverhampton
Staffordshire
WV5 0AA

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located within the Fallings Park Local Centre. The application relates to the ground floor which is currently used as a garage and stock room as part of 3 Raynor Road.
- 1.2 No.3 Raynor Road is currently used as a hot food take away within Class A5 Hot Food Take Away with residential accommodation above. The parade is mixed in character with a variety of uses. Along with residential accommodation above, the other nearest residential dwelling is to the rear at No.2A Mandale Road.

2. Application details

- 2.1 The application is for the creation of a new shop to be used within Use Class A1 Retail. The existing unit at 3 Raynor Road will remain as a Class A5 Hot Food Take Away and the proposal seeks to convert and extend the existing garage store room area attached to the existing shop at 3 Raynor Road and subdivide the building to create the new unit. The existing premises at 3 Raynor Road are to remain as a hot food take away (Class A5).
- 2.2 Hours of opening are proposed as Monday – Saturdays 08.00 to 1700 with no opening on Sundays or Bank Holidays.
- 2.3 Parking is to be used within the existing parade and the provision of bins stores is via a proposed access to the side of the premises.

3. Planning History

3.1 No.3 Raynor Road

12/00924/FUL for Variation of previous approval (09/00179/FUL) to allow opening from 0800 hours to 2300 hours on Monday to Sundays and for the installation of an external flue to the rear of the premises,
Pending Consideration

3.2 No.3 Raynor Road

10/00827/VV for Variation of condition 4 of previous approval (09/00179/FUL) to allow opening from 0800 hours to 2300 hours on Monday to Sundays,
Refused dated 04.11.2010.

3.3 No.3 Raynor Road

09/00179/FUL for Change of use from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway),
Granted dated 10.11.2009.

4. Constraints

- 4.1 Local Centres
Mining Advice area

5. Relevant Policies

- 5.1 The Development Plan
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
EP1 - Pollution Control
B5 - Design Standards for Employment Sites
SH14 - Catering Outlets
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security

- 5.2 Other relevant policies
National Planning Policy Framework

- 5.3 Black Country Core Strategy
CSP4 - Place Making
ENV3 - Design Quality
CEN5 - District and Local Centres

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 received objecting to the proposal on the following grounds.
- Cooking smells
 - Litter
 - Adequate number of food outlets in the area
 - Inadequate parking and parking problems in the area

8. Internal Consultees

Environmental Health

- 8.1 The use of premises should not be allowed to result in the intensification of the adjacent Class A5 Hot Food Take Away and operational hours during construction shall be controlled. Furthermore details of adequate ventilation and refuse for both the application site and the adjacent hot food take away shall be provided.

Transportation Development

- 8.2 No objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 The existing unit is and will remain as a hot food take away within Class A5 (Hot Food Take Away) and proposed unit will be within Class A1 (Retail) of the Town and Country Planning (Use Classes) Order 1987. KR/20092012/T

10. Appraisal

- 10.1 The key issues are: -
- Principle of the Use
Neighbour Amenity

Principle of Use

- 10.2 Black Country Core Strategy (BCCS) policy CEN5 'District and Local Centres' states that any retail development of up to 500square metres will be permitted where they are to satisfy local requirements and are appropriate to the scale and function of that particular centre.
- 10.3 The proposed development is within scale to the role and function of the Fallings Park Local Centre and therefore in this respect the proposal is considered to be acceptable.

Neighbour Amenity

- 10.4 Unitary Development Plan (UDP) policy B5 'Design Standards for Employment Sites' requires for proposals such as this to have regard to residential uses and to protect amenity, by imposing suitable conditions. UDP policy AM12 'Parking and Servicing Provision' and AM15 'Road Safety and Personal Security' requires proposals to ensure maximum levels of car parking, disabled parking, cycle and motorcycle parking and to ensure that all development is designed to contribute towards improving road safety.
- 10.5 The layout of the proposed plans is shown as an A1 food outlet. Such uses could include an Indian Sweet shop or a retail bakery. An objection to the proposal has been received on the grounds that the proposal will result in increased food smells, litter, parking problems and to the number of food outlets within the parade.
- 10.6 As the property is within a local centre, the creation of an additional unit to accommodate a retail use is acceptable as the site has high levels of accessibility to public transport, adequate parking exists within the parade and the unrestricted Co-op store car park opposite and the peak trading hours of a class A1 retail use will differ to that of the existing hot food take aways. As such the parking provision available is acceptable.
- 10.7 In respect of smells, given the likely nature of the food use, it is considered that there is unlikely to be any seriously adverse smells from the proposed retail unit. In respect of litter, bins are situated immediately outside the application site and within the parade and therefore it is considered that the proposal cannot be justifiably refused on these grounds.
- 10.8 Whilst the objections make reference to the number of food outlets within the parade, as the proposal is for a class A1 retail unit, this is consistent with policy which aims to encourage new retail and related units within local centres. As such subject to the use remaining as a class A1 retail unit only, the proposal is considered to be acceptable.

11. Conclusion

- 11.1 The proposal is considered to be acceptable as an A1 retail use as is it consistent to that of the role and function of a local centre. Whilst concerns have been raised in respect of the number of food outlets, increase in smells, litter and parking, again as the site is within a local centre, the proposal is

considered as not to adversely affect any neighbouring amenities to an extent that would justify the application being refused.

12. Recommendation

12.1 That planning application 12/00749/FUL be granted, subject to standard conditions including;

- Hours of use Mondays to Saturdays 0800 to 1700 hours, no opening Sundays and Bank Holidays,
- Matching materials,
- Details of adequate ventilation,
- Details of refuse,
- Operational hours during construction

Case Officer : Mr Ragbir Sahota

Telephone No : 01902 555616

Head of Planning – Stephen Alexander



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Planning Application No: 12/00749/FUL

Location	3 Raynor Road, Wolverhampton, WV10 9QY		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392938 300774
Plan Printed	19.09.2012	Application Site Area	188m ²

PLANNING COMMITTEE REPORT 02-Oct-12

APP NO: 12/00820/FUL **WARD:** St Peters

APP TYPE: Full Application

SITE: 1 Market Street, Wolverhampton, WV1 3AE

PROPOSAL: Retention of Roller Shutters

APPLICANT:
Mr Joseph Yusef
1 Market Street
Wolverhampton
WV1 3AE

AGENT:
Mr P K Sehdeva
Integrated Designs
38 Old Walsall Road
Birmingham
B42 1NP

COMMITTEE REPORT:

1. The Site

- 1.1 The application site sits in a prominent position on the corner of Market Street and Castle Street within Wolverhampton City Centre. Currently trading as a beauty and laser clinic the shop has a 90 degree chamfered shop-front which is set back at ground floor behind a triangular shaped covered footway.

2. Applications Details

- 2.1 The application is for the retention of external security shutters that have been placed on both the Castle Street and Market Street frontages of the property, attached to the corner supporting column. The shutters comprise of semi perforated curtains, shutter boxes and guide rails.

3. Relevant Policies

The Development Plan

- 3.1 Wolverhampton's Unitary Development Plan

D4 - Urban Grain

D6 - Townscape and Landscape

D9 - Appearance

CC4 - City Centre Environment

D10 - Community Safety

- 3.2 Black Country Core Strategy
ENV3 - Design Quality

CSP4 - Place Making

Wolverhampton's Supplementary Documents

- 3.3 SPG No.5 – Shop-front Design

Other relevant policies

- 3.4 National Planning Policy Framework

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. Legal implications reference LM/18092012/O

7. Appraisal

- 7.1 The key issues are:

- The principle of security shutters
- The effect of the shutters on the building and the viability and vitality of the City Centre.

The principle of security shutters

- 7.2 The Council's adopted SPG No.5 states that in most circumstances sufficient shop-front security can be achieved by the use of laminated glass or internal tube and link roller grilles or a combination of the two. However, where there may be special circumstances, for example, where there is a proven severe

and persistent security or vandalism problem, external security shutters of an appropriate design will be considered. There was no evidence submitted with the application to suggest a severe and persistent security or vandalism problem exists at this property. Consequently it was not established that special circumstances exist which would warrant the use of external security shutters at these premises.

The effect of the shutters on the building and the viability and vitality of the City Centre.

- 7.3 The applicant has pointed to a number of external security shutters on shop-fronts within the street and surrounding shopping area, these have either been permitted through now superseded policies or have been in place for over four years and are therefore exempt from planning enforcement action. The Council will continue to improve the appearance of the City Centre and seek the removal of external shutters whenever the opportunity arises.
- 7.4 The application shop-front is set back from the building frontage which creates an interesting and attractive architectural detail which contributes to the building's identity. Although while open the effect of the shutters does not have a seriously detrimental impact on the shop-front, when closed they completely obliterate this important feature, creating a solid hard edge encasing this portion of the building. The shutters therefore have a detrimental effect on the appearance of the shop-front and the wider street-scene.
- 7.5 The Council seeks to promote the creation of safe and visually stimulating shopping areas, which remain so after normal shop opening hours. These external security shutters have a visually deadening and intimidating effect on the shop-front and the surrounding street-scene. Shutters adjacent to footways have a harsh and foreboding appearance that creates a feeling of oppression, intimidation, unease and apprehension in pedestrians, contributing to the fear of crime. Consequently the shutters have an adverse effect on the vitality and viability of the City Centre and are contrary to BCCS Polices CSP4 and ENV3 and UDP Polices. D4, D6, D9, D10 and CC4.

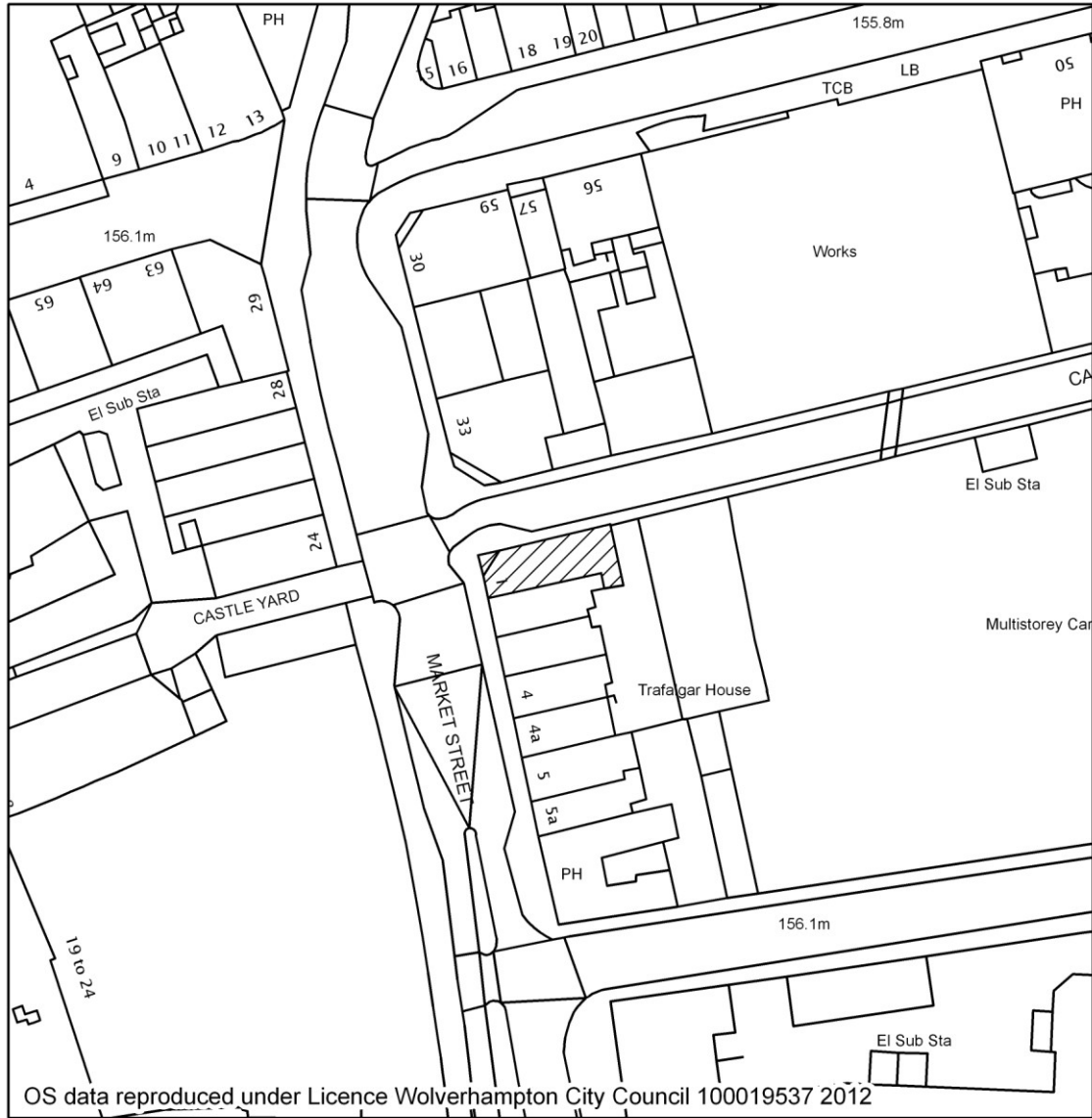
8. Conclusion

- 8.1 The applicant has failed to demonstrate that the property has been the subject of a severe and persistent security or vandalism problem. The shutters are of a poor design that not only has an adverse effect on the appearance of the building and the wider streetscene but also the vitality and viability of the City Centre.

9. Recommendation

- 9.1 It is therefore recommended that planning application reference 12/00820/FUL is refused in accordance with the reasons set out at paragraph 8.1.above.

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



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Planning Application No: 12/00820/FUL

Location	1 Market Street, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 391607 298584
Plan Printed	10.09.2012	Application Site Area	116 m ²

PLANNING COMMITTEE REPORT

APP NO: 12/00413/FUL

WARD: Bushbury South And
Low Hill

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 Background

1.1 This application was submitted to Planning Committee on the 7th of August 2012 (report attached). Committee were minded to delegate authority to the Interim Strategic Director for Education and Enterprise 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

2. Update

- 2.1 Subsequent to the application being reported to planning committee on the 7th of August 2012, it became clear that the Council still own the application site and that the applicant, Accord Housing Association, will not become legal landowners until after the construction is complete.
- 2.2 In this situation it is not possible for the Council to sign a S106 agreement both as landowner and as local planning authority.
- 2.3 It is therefore proposed to secure the planning obligations through the development agreement with the Accord Housing Association. This agreement would also contain an obligation to enter into a S106 obligation when they ultimately acquire legal ownership of the land to secure any planning obligations that have not been discharged.

3. Legal Implications

- 3.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal implications reference LM/20/092012/C

4. Recommendation

- 4.1 It is recommended that the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00413/FUL subject to:

- (i) Securing a Section 111/Section 106 Agreement which secures the requirement for the applicant, upon transfer of the land, to enter into 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

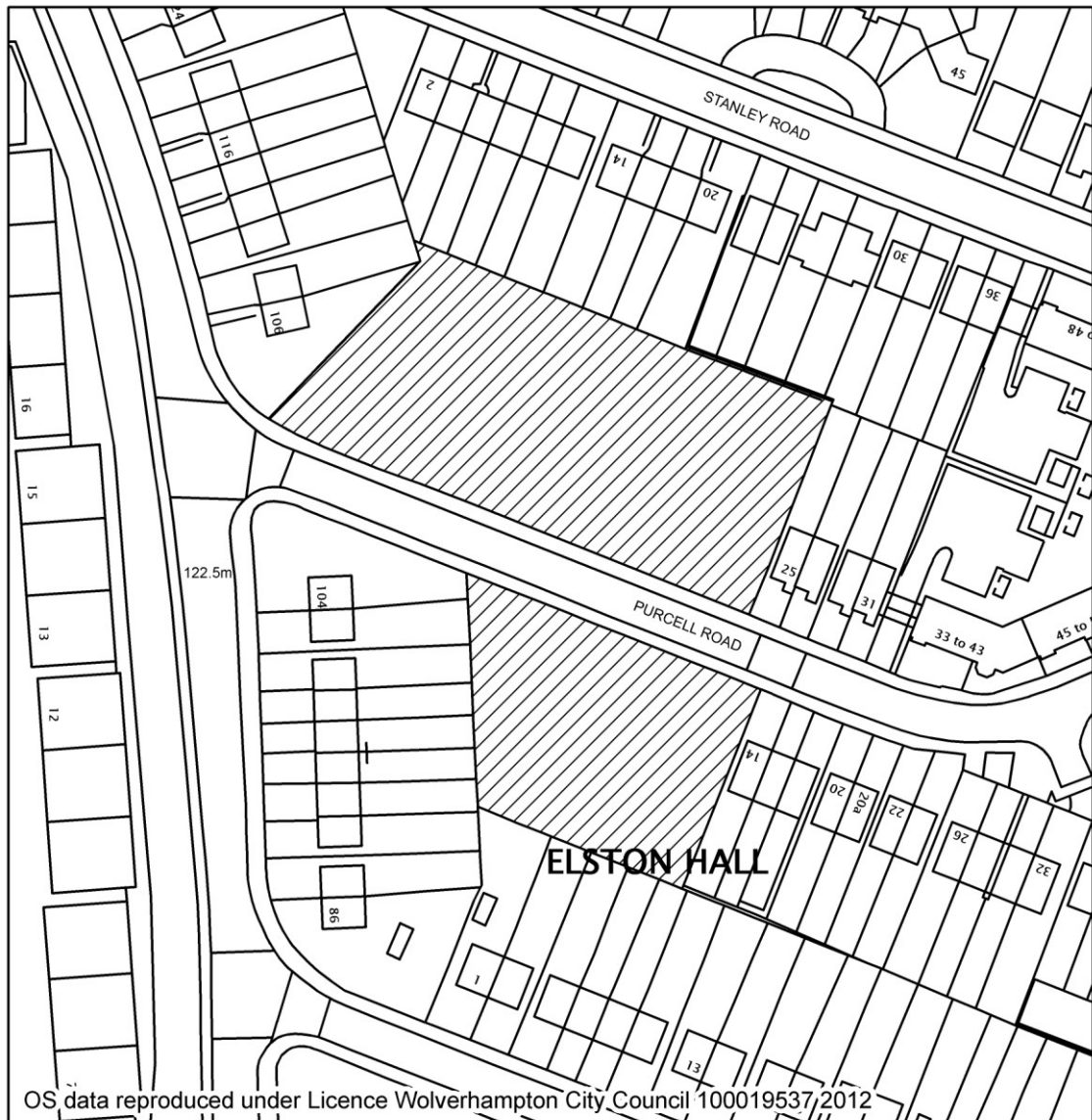
Note for information

Mining Area

Planning Officer: Richard Pitt

Contact Details: 01902 - 551675

Head of Development Control: Stephen Alexander



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Planning Application No: 12/00413/FUL

Location	Land Adjacent To 14 And 25, Purcel Road,Wolverhampton,West Midlands		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391823 301954
Plan Printed	09.07.2012	Application Site Area	4690m 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

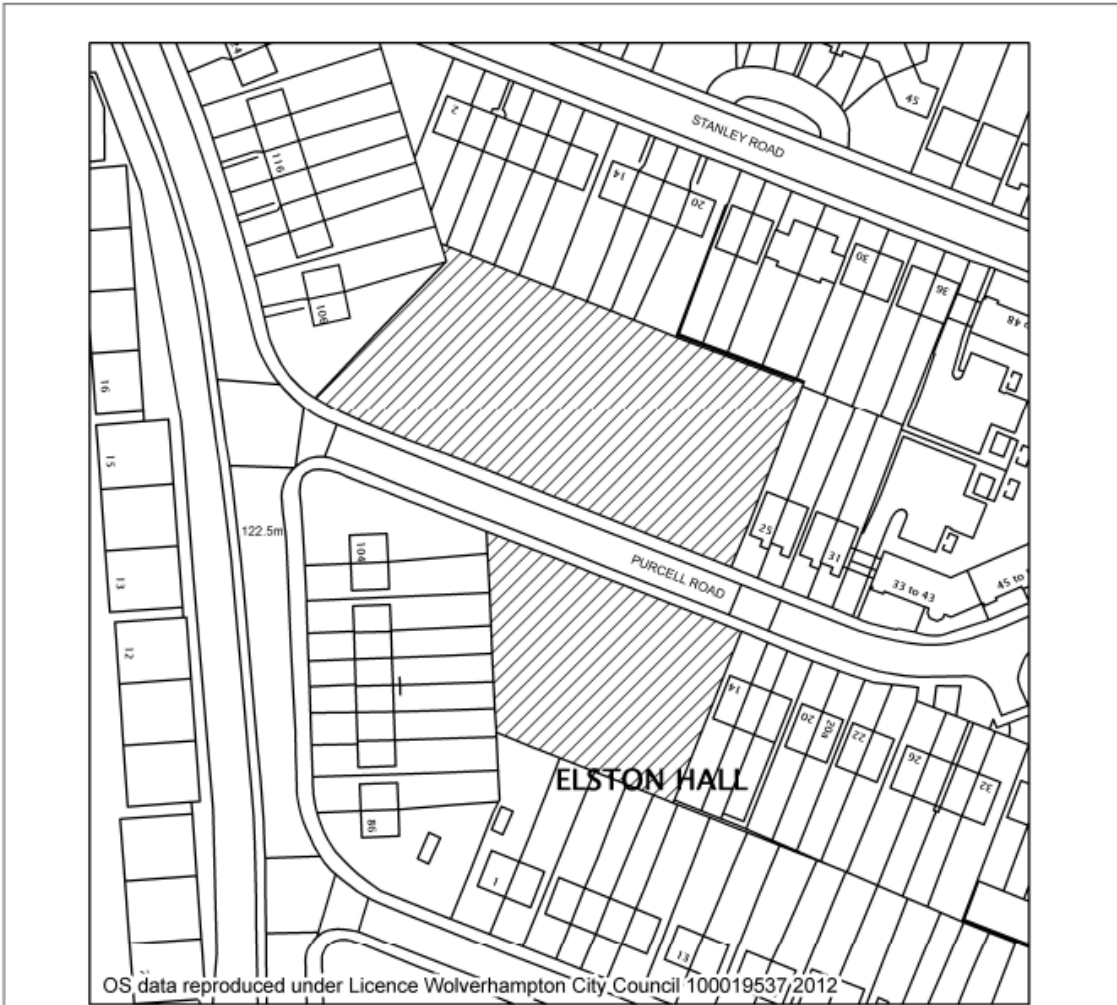
(ii) The following conditions:

- 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 - 02-Oct-12

APP NO: 12/00915/VV **WARD:** St Peters

RECEIVED: 07.08.2012

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

SITE: 11 - 15 Lichfield Street, City Centre, Wolverhampton

PROPOSAL: Modification of condition number five of planning application 08/01479/FUL to extend the opening hours until 06.00 (morning) on an annual basis between the dates of 1st December and 14th January only.

APPLICANT:

Mr Oliver Wassall
Environmental Health
Regeneration
Wolverhampton City Council
Civic Centre, St Peters Square
Wolverhampton
WV11 1DA

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The units concerned are part of the Grade II Listed Royal London Buildings, within the Wolverhampton City Centre Conservation Area, and the Shopping Quarter.

2. Application details

- 2.1 The application is for an extension of opening hours until 06.00 (morning) between the dates of 1st December and 14th January only, on an annual basis. Then to revert back to 12.00 – 23.00pm every day, including bank holidays, as specified under planning application 08/01279/DWF.
- 2.2 The extension of the opening hours is required to accommodate operations within the “Keep It Safe Campaign” which is a partnership initiative involving the Primary Care Trust (PCT), the City Council, Police and other local agencies. The campaign is designed to help night-time visitors to Wolverhampton, to enjoy themselves safely over the festive period. Keep It safe will run every weekend until the New Year, and is all about creating a safe and positive night-time economy for Wolverhampton, offering help and support where night-time visitors need it – and to make sure they get home safely after a night out.

3. Planning History

- 3.1 08/01479/DWF Change of Use to “Youth Café”, Granted 4/2/2009
- 3.2 09/00047/LBC for Internal works and existing shopfront to be retained and repaired Granted 17 March 2009.
- 3.3 10/011798/VV for Application for variation of Condition 5 following grant of planning permission 08/01479/DWF for Change of Use to ‘Youth Café’, to extend opening hours until 05.00 from 8th December 2012 to 2nd January 2011, Granted 17/11/2010.
- 3.4 11/00908/VV Application for variation of condition 5 following grant of planning permission 08/01479/DWF for change of use to ‘Youth Café’, to extend opening hours until 06.00 (morning) from 8th December 2011 to 2nd January 2012. Granted 9/11/2011.

4. Constraints

- 4.1 Conservation Area
Listed Building Grade: II
Sites and Monuments

5. Relevant Policies

- The Development Plan
- 5.1 Wolverhampton’s Unitary Development Plan
 - EP1 - Pollution Control
 - EP5 - Noise Pollution
 - B5 – Design Standards for Employment Sites
 - HE1 – Preservation of Local Character and Distinctiveness
 - HE3 – Preservation and Enhancement of Conservation Areas
 - HE4 – Proposals Affecting a Conservation Area
 - HE13 – Development Affecting a Listed Building
 - HE14 – Alterations and Extensions to a Listed Building
- Other relevant policies
- 5.2 National Planning Policy Framework
- 5.3 Black Country Core Strategy (publication document Nov 2009).
ENV3 - Design Quality

6. Environmental Impact Assessment Regulations

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

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

7. Publicity

7.1 No representations received.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications [LC/10092012/C].

9. Appraisal

9.1 The key issues are: -

- **Residential Amenity**

Residential Amenities

9.2 The ground floor commercial units are located within Wolverhampton’s “Shopping Quarter”, with surrounding uses being retail units and a public house. There are apartments to the upper floors of the Royal London Buildings, which could be subject to disturbance; however, the rooms directly above the application site are offices, which provide a sufficient buffer zone between the Youth Café and the apartments, protecting them from any noise related activities. On the original application for the change of use to “Youth Café” conditions were also imposed to provide a suitable scheme to control noise/vibration from any ventilation system.

9.3 This application, does however, differ from the previous two approved applications for temporary extension of opening times over the Christmas and New Year period. This application is to provide a permanent change to the opening times, during the stated dates only (1st December to 14th January) on an annual basis. This is due to the success of the Campaign, and the suitability of the chosen venue.

9.4 Over the last two years there have been no complaints from neighbouring residents in respect of disturbance from this specific venue in relation to the “Keep It Safe Campaign”.

10. Conclusion

10.1 It is considered that the extension of time over the Christmas period, providing an essential service to the young people of Wolverhampton, is satisfactory with no significant detriment to neighbouring residential apartments. The proposal will not affect the listed building or its setting in any adverse way. Therefore, the

proposal is consistent with BCCS Policy ENV2, ENV3, and UDP Policies B5, EP1, EP5, HE, HE3, HE4, HE13, and HE14.

11. Recommendation

11.1 That planning application 12/00915/VV is granted, subject to the following conditions:

1. Hours of opening shall be limited to 12.00pm (lunch times) - 06.00am (morning) every day between the dates of 1st December to 14th January (only) on an annual basis. Following this period the hours of opening shall revert back to 12.00 - 23.00pm every day, including bank holidays, as specified under planning application 08/01279/DWF.

Reason: In the interests of the amenity of the area. Relevant UDP policies B5, EP1 and EP5, HE, HE3, HE4, HE13, and HE14

2. Other conditions from original approval.

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



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Planning Application No: 12/00915/VV

Location	11 - 15 Lichfield Street, City Centre, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 391547 298781
Plan Printed	19.09.2012	Application Site Area	147m ²

PLANNING COMMITTEE - 02-Oct-12

APP NO: 12/01068/PA **WARD:** Park

RECEIVED: 07.09.2012

APP TYPE: Prior Approval Required

SITE: Outside 76 Finchfield Road, Wolverhampton, WV3 9LG

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 Finchfield Road, near to its junction with Merridale Road in the Bantock House Conservation Area. The proposal is set against the back edge of the footpath against the front boundary wall of 76 Finchfield Road.

2. Application details

2.1 The application is classed as 'Prior-Notification' which means that it has to be determined within a legally prescribed period of time and the applicant notified accordingly within the specified time limit. Should the local planning authority fail to determine the application and report to the applicant within the statutory time-frame then the application is deemed to be approved and work can commence without further notice to the planning authority. Please see the legal implications at paragraphs 8-8.2 below for a more detailed explanation.

2.2 The proposal seeks to place a small green coloured metal equipment cabinet on the footpath on Finchfield 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 Bantock House 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 representations received.

7. Internal Consultees

- 7.1 **Transportation and Historic Environment Team** – 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 considers that the proposal 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
- 8.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the local planning authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act (LM/19092012/U).

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 NPF 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 Finchfield Road, to the front of 76 Finchfield Road. At 1.3metres high and 0.75m wide, and coloured green,

it will not be visually prominent in the streetscene. The proposal complies with policies D6, D&, D9 and CSP4.

- 9.5 It is one of 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. The proposal complies 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. The proposal complies with the NPFF and UDP policy HE4 and BCCS policy CSP4.

Traffic and Pedestrian Flows and Safety

- 9.7 The proposed development is small scale in nature and together with its location on the back edge of the pavement on Compton Road it is unlikely there will be any detriment to traffic and/or pedestrian safety. The proposal complies with UDP policy AM15.

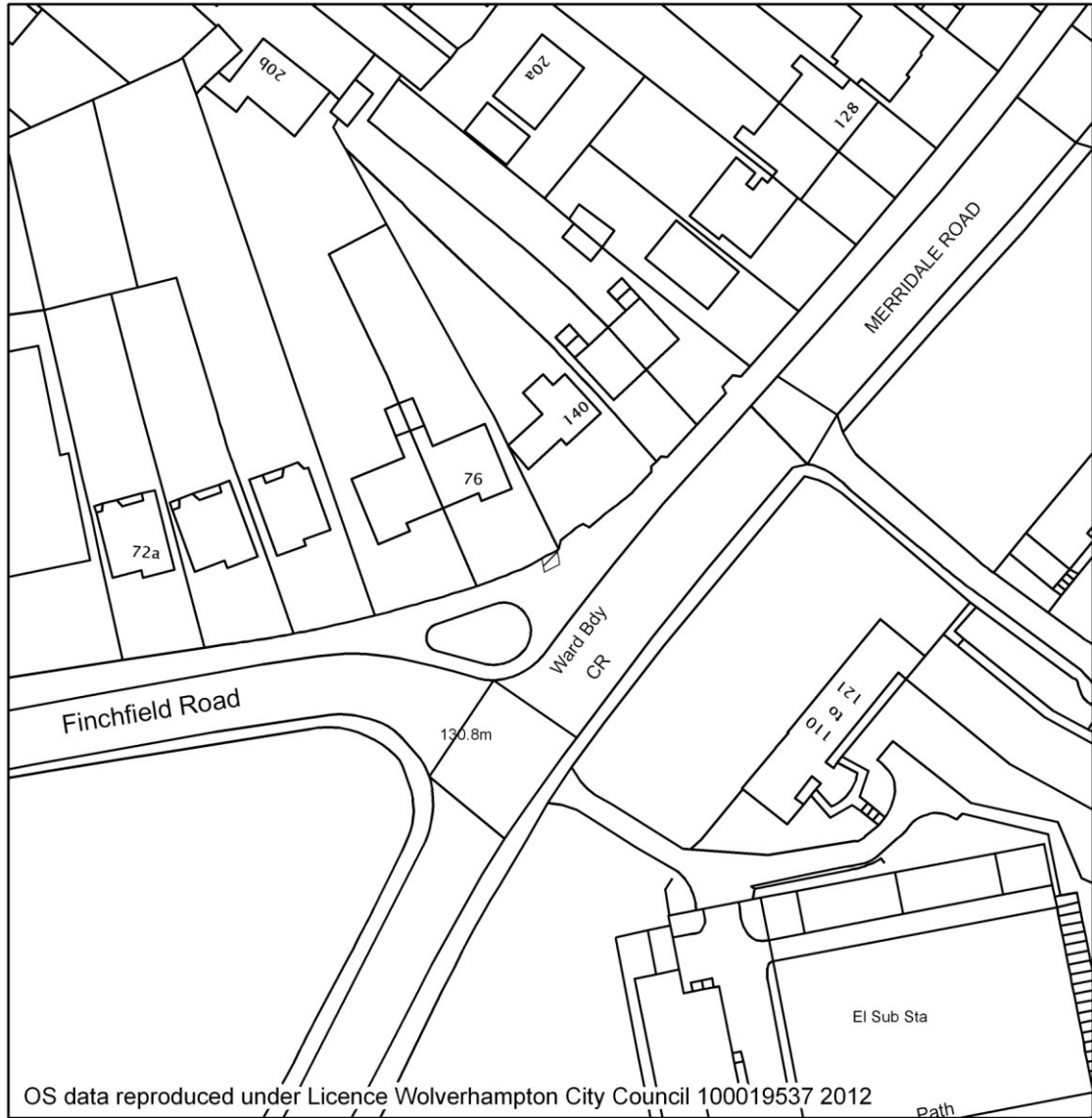
10. Conclusion

- 10.1 The proposed equipment is very similar in scale and nature to that which is already in place around the city. The proposal will 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 Bantock House Conservation Area and result in little or no interference with road or pedestrian traffic. The proposal complies 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 12/01068/PA is given, subject to standard conditions.

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



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Planning Application No: 12/01068/PA

Location	Outside 76 Finchfield Road, Wolverhampton, WV3 9LG		
Plan Scale (approx)	1:625	National Grid Reference	SJ 389848 298172
Plan Printed	19.09.2012	Application Site Area	4m ²

PLANNING COMMITTEE - 02-Oct-12

APP NO: 12/01069/PA

WARD: Park

RECEIVED: 07.09.2012

APP TYPE: Prior Approval Required

SITE: Outside 2 Compton Road, Wolverhampton, WV3 9PH

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 Compton Road, near to its junction with Tettenhall Road and Merridale Road in the Tettenhall Road Conservation Area. The proposal is set against the back edge of the footpath against the front boundary wall of 2 Compton Road.

2. Application details

2.1 The application is classed as 'Prior-Notification' which means that it has to be determined within a legally prescribed period of time and the applicant notified accordingly within the specified time limit. Should the local planning authority fail to determine the application and report to the applicant within the statutory time-frame then the application is deemed to be approved and work can commence without further notice to the planning authority. Please see the legal implications at paragraphs 8-8.2 below for a more detailed explanation.

2.2 The proposal seeks to place a small green coloured metal equipment cabinet on the footpath on Compton 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 Tettenhall 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 representations received.

7. Internal Consultees

- 7.1 **Transportation and Historic Environment Team** – 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 considers that 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.
- 8.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the local planning authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act (LM/19092012/H).

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 NPF 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 Compton Road, to the front of

2 Compton Road. 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. The proposal complies with UDP policies EMP1 and EP20.

Impact on the Conservation Area

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

Traffic and Pedestrian Flows and Safety

- 9.7 The proposed development is small scale in nature and together with its location on the back edge of the pavement on Compton Road it is unlikely there will be any detriment to traffic and/or pedestrian safety. The proposal complies with UDP policy AM15.

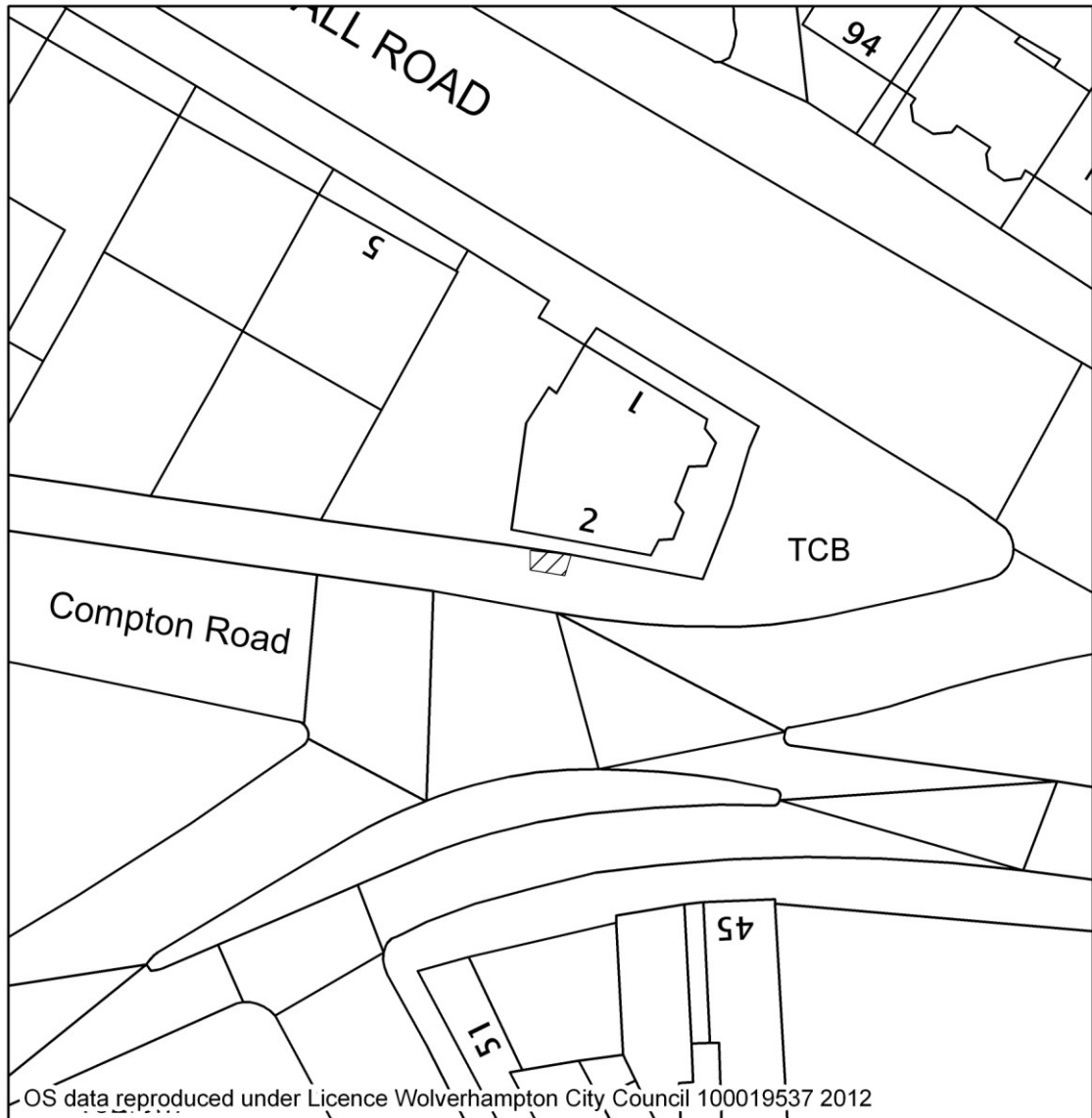
10. Conclusion

- 10.1 The proposed equipment is very similar in scale and nature to that which is already in place around the city. Its purpose 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 Tettenhall Road Conservation Area and result in little or no interference with road or pedestrian traffic. The scheme complies 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 12/01069/PA is given, subject to standard conditions.

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



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Planning Application No: 12/01069/PA

Location	Outside 2 Compton Road, Wolverhampton, WV3 9PH		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390562 298657
Plan Printed	19.09.2012	Application Site Area	m ²

PLANNING COMMITTEE - 02-Oct-12

APP NO: 12/01070/PA **WARD:** Park

RECEIVED: 07.09.2012

APP TYPE: Prior Approval Required

SITE: Adjacent No. 87 Tettenhall Road, Fronting Larches Lane, Wolverhampton.

PROPOSAL: One 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, M2 4JG

COMMITTEE REPORT:

1. Site Description

1.1 The application site is the pavement on Larches Lane, adjacent the property at No.87 Tettenhall Road. The proposal is set against the back edge of the footpath against the boundary wall of the property at No.87 Tettenhall Road, Wolverhampton.

2. Application details

2.1 The application is a 'Prior-Notification' which means that it has to be determined within a legally prescribed period of time and the applicant(s) notified accordingly within the specified time limit. Should the local planning authority fail to determine the application and report to the applicant(s) within the statutory time-frame then the application is deemed to be approved and work can commence without further notice to the planning authority.

2.2 The proposal seeks to place a small green coloured metal equipment cabinet on the footpath on Larches Lane, Wolverhampton. 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 Tettenhall 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 at the time of writing this report.

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 that 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.
- 8.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the local planning authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act. Legal Implications reference LM/19092012/N.

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 on Larches Lane,

Wolverhampton adjacent the property at No.87 Tettenhall Road, Wolverhampton. 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. The proposal is therefore compliant 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 NPPF 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 Larches Lane, means that it is unlikely that there will be any traffic or pedestrian safety issues. Consequently, the proposal complies with UDP policy AM15.

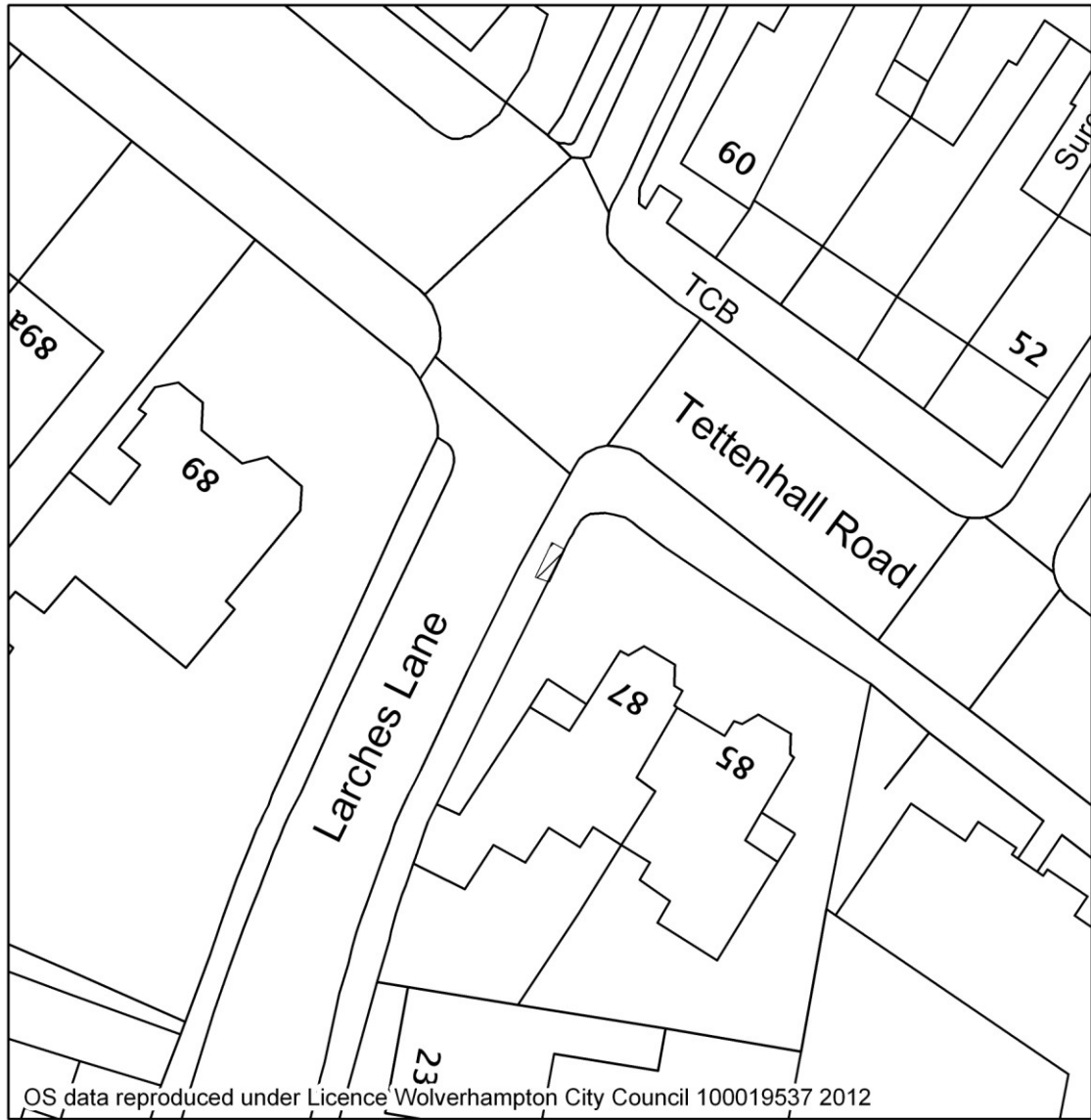
10. Conclusion

- 10.1 The proposed equipment is very similar in scale and nature to that which is already in place around the city. It's purpose 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 reduce its visual impact, sufficiently to preserve the character of the Tettenhall Road Conservation Area. There will also be little or no interference with road or pedestrian traffic. The scheme can therefore be said to be compliant with the relevant UDP and BCCS policies of the Council, as well as the Council's Interim Telecommunications Policy and national planning guidance as set out above.

11. Recommendation

- 11.1 It is recommended that prior approval of application reference 12/01070/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: 12/01070/PA

Location	Adjacent No.87 Tettenhall Road, Fronting Larches Lane, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390166 298738
Plan Printed	19.09.2012	Application Site Area	3m ²

PLANNING COMMITTEE - 02-Oct-12

APP NO: 12/01071/PA **WARD:** Park

RECEIVED: 07.09.2012

APP TYPE: Prior Approval Required

SITE: Adjacent No.1 Park Dale West, , Fronting Tettenhall Road,
Wolverhampton

PROPOSAL: One 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, M2 4JG

COMMITTEE REPORT:

1. Site Description

1.1 The application site is the pavement on Tettenhall Road, adjacent No.1 Park Dale West. The proposal is set against the back edge of the footpath against the boundary wall of No.1 Park Dale West, Wolverhampton.

2. Application details

2.1 The application is a 'Prior-Notification' which means that it has to be determined within a legally prescribed period of time and the applicant(s) notified accordingly within the specified time limit. Should the local planning authority fail to determine the application and report to the applicant(s) within the statutory time-frame then the application is deemed to be approved and work can commence without further notice to the planning authority.

2.2 The proposal seeks to place a small green coloured metal equipment cabinet on the footpath on Tettenhall Road, Wolverhampton. 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 Tettenhall Road and Park 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 at the time of writing this report.

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 that 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.
- 8.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the local planning authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act. Legal Implications reference LM/19092012/V.

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 NPF 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 on Tettenhall Road, adjacent No.1 Park Dale West, Wolverhampton. At 1.3metres high and 0.75m wide, and coloured green, it will not be visually prominent in the street-scene. 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. The proposed development therefore complies 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 NPPF 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 Tettenhall Road, means that it is unlikely that there be any traffic or pedestrian safety issues. Consequently, the proposal therefore complies with UDP policy AM15.

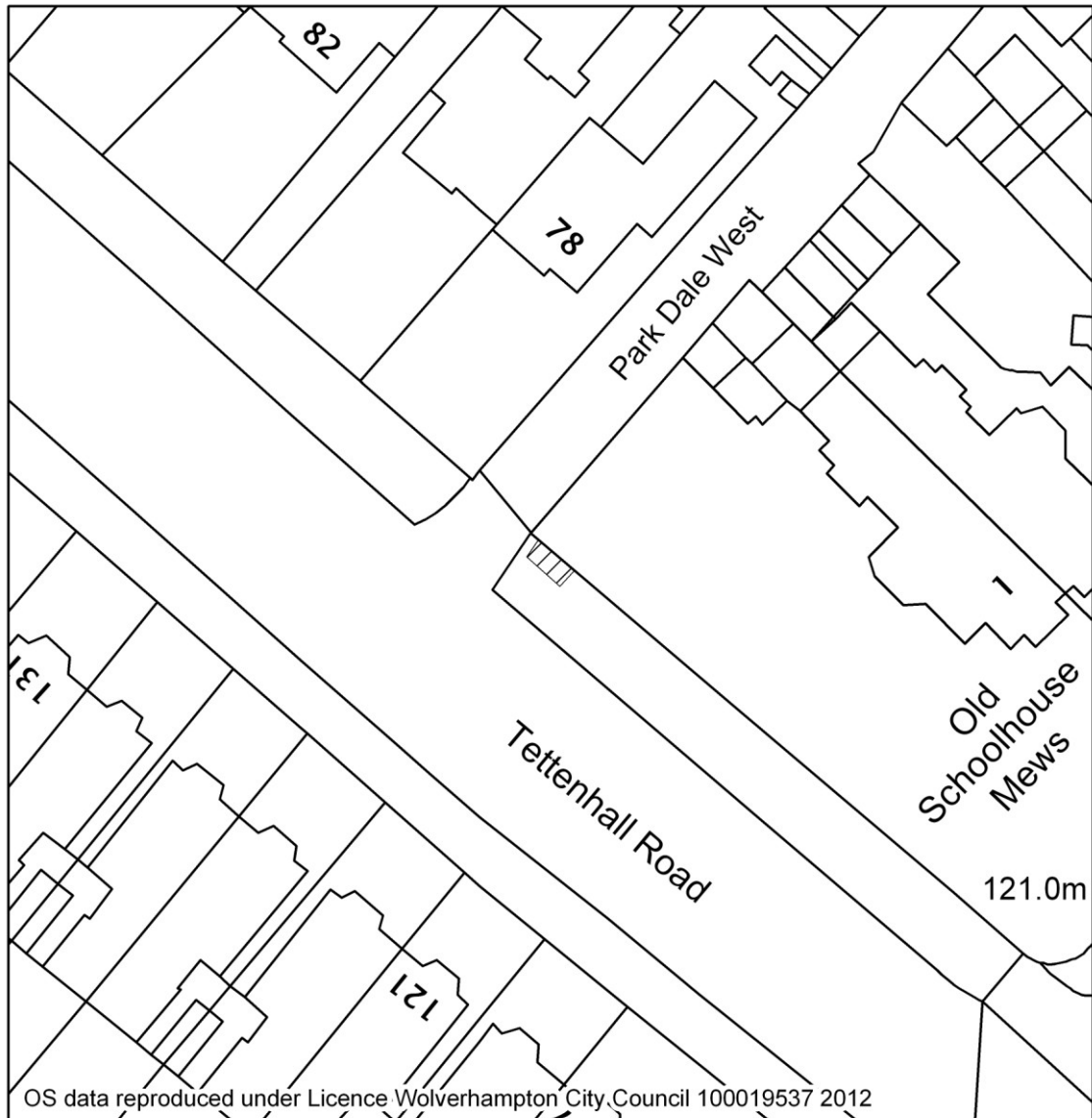
10. Conclusion

- 10.1 The proposed equipment is very similar in scale and nature to that which is already in place around the city. Its purpose 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 reduce its visual impact, sufficiently to preserve the character of the Tettenhall Road and Park Conservation Area. There will also be little or no interference with road or pedestrian traffic. The scheme can therefore be said to be compliant with the relevant UDP and BCCS policies of the Council, as well as the Council's Interim Telecommunications Policy and national planning guidance as set out above.

11. Recommendation

- 11.1 It is therefore recommended that prior approval of application reference 12/01071/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: 12/01071/PA

Location	Adjacent No.1 Park Dale West, Fronting Tettenhall Road, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390590 298660
Plan Printed	19.09.2012	Application Site Area	4m ²

PLANNING COMMITTEE - 02-Oct-12

APP NO: 12/01073/PA **WARD:** St Peters

RECEIVED: 07.09.2012

APP TYPE: Prior Approval Required

SITE: Outside No.150, Newhampton Road East, Wolverhampton

PROPOSAL: One 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 Newhampton Road East, Wolverhampton fronting property no.150. The proposal is set against the back edge of the footpath against the boundary wall and railings to No.150 Newhampton Road East, Wolverhampton.

2. Application details

2.1 The application is a 'Prior-Notification' which means that it has to be determined within a legally prescribed period of time and the applicant(s) notified accordingly within the specified time limit. Should the local planning authority fail to determine the application and report to the applicant(s) within the statutory time-frame then the application is deemed to be approved and work can commence without further notice to the planning authority.

2.2 The proposal seeks to place a small green coloured metal equipment cabinet on the footpath on Newhampton Road East, Wolverhampton. 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 - Park Conservation Area
Listed Building Curtlidge
Mining Advice 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 at the time of writing this report.

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 that 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.
- 8.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the local planning authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act.
- 8.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a general duty that when considering whether to grant planning permission for development which affects a listed building or its setting the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest.
- 8.5 Listed Building consent is required in respect of any works for the demolition of a listed building, or for its alteration or extension which is likely to affect its character as a building of special architectural or historic interest. S16 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that where permission is granted it can be granted subject to conditions. Legal Implications reference LM/19092012/Z.

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 on Newhampton Road East, Wolverhampton. 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. The proposal is therefore compliant 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 NPPF 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 Newhampton Road East, suggests that it is unlikely that that there would be any traffic or pedestrian safety issues. Consequently the proposal 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 purpose 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 reduce its visual impact, sufficiently to preserve the character of the Park Conservation Area. There will also be little or no interference with road or pedestrian traffic. The scheme can therefore be said

to be compliant with the relevant UDP and BCCS policies of the Council, as well as the Council's Interim Telecommunications Policy and national planning guidance as set out above.

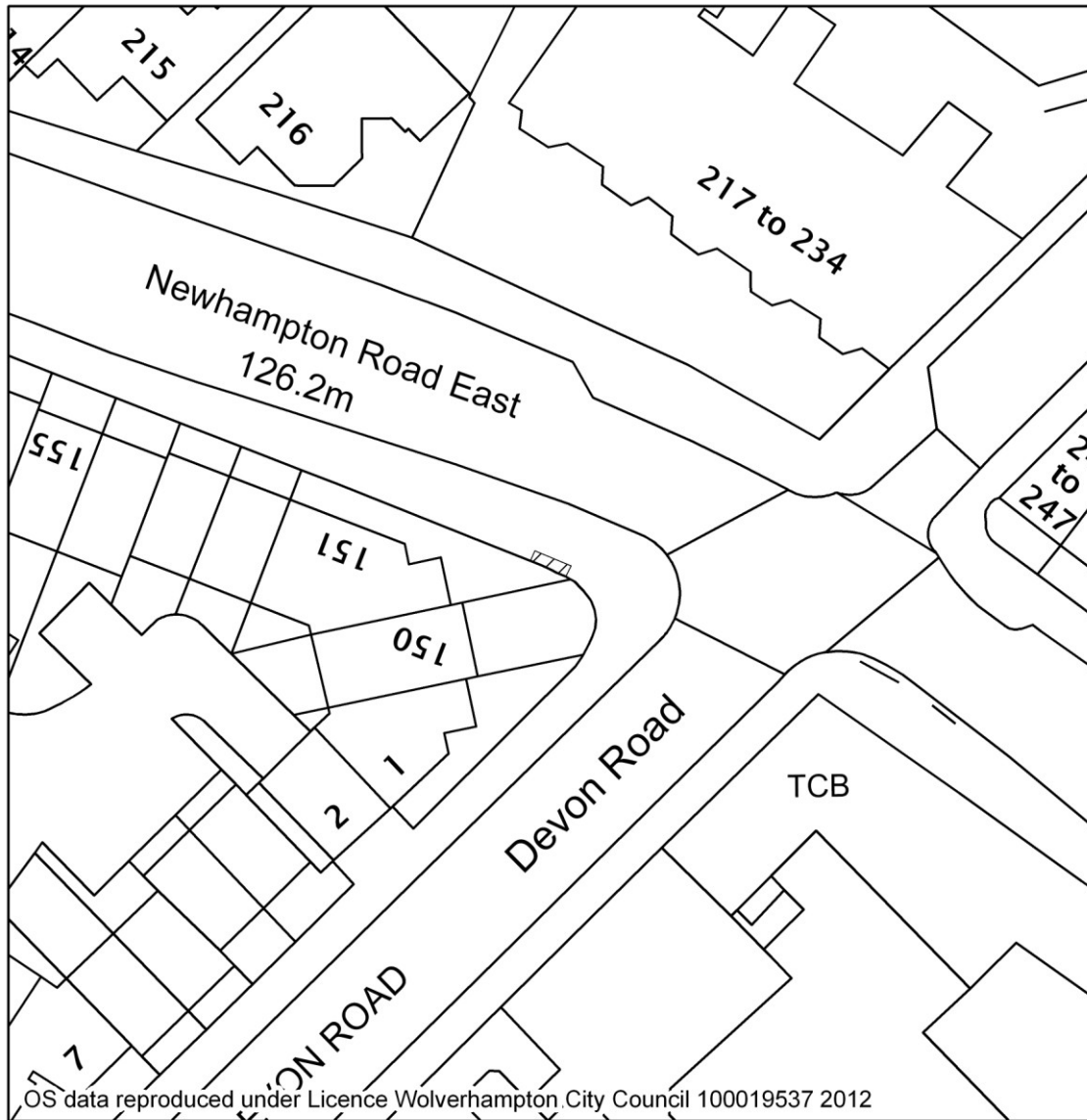
11. Recommendation

- 11.1 It is recommended that prior approval of application reference 12/01073/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: 12/01073/PA

Location	Outside No.150, Newhampton Road East, Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 391096 299050
Plan Printed	19.09.2012	Application Site Area	2m ²