

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 4th December 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 (4th December 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 - 04-Dec-12

APP NO: 12/01099/FUL

WARD: Tettenhall Regis

RECEIVED: 12.09.2012

APP TYPE: Full Application

SITE: Chestnut Cottage, Birchfield Avenue, Wolverhampton

PROPOSAL: Proposed demolition of existing house and erection of four detached houses

APPLICANT:

Mr and Dr Bains
C/o MTC Planning And Design Limited
Barn 5A
Sutton Hall Farm
Sutton Maddock
Near Telford
Shropshire
TF11 9NQ

AGENT:

Mr Julian McAlster
MTC Planning
Mr Julian McAlster
MTC Planning And Design Limited
Barn 5A
Sutton Hall Farm
Sutton Maddock
Near Telford
Shropshire
TF11 9NQ

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is in an area characterised by large, individually designed 2-storey houses and bungalows that generally stand on sizeable plots with mature gardens. This layout gives the locality a sense of spaciousness and openness.
- 1.2 The application site includes a two storey house set in a comparatively large plot and positioned set back from Birchfield Road and to the rear of housing on Wrottesley Road. The large open garden and tree planting contributes towards a sense of spaciousness in the locality.

2. Application Details

- 2.1 The application proposes the erection of 4, five bedroomed two storey houses.

3. Constraints

- 3.1 Tree Preservation Order

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

4.3 Supplementary Planning Guidance
SPG No.3 Residential Development

5. Environmental Impact Assessment Regulations

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

6. Publicity

6.1 Two letters of objection received. Comments as follows:

- Overdevelopment of the site
- Unacceptable impact on neighbour amenities
- Substandard amenity space for future residents
- Insufficient parking facilities
- Create traffic congestion on surrounding roads
- No need for this type of residential development (need is being met through proposals at adjacent ADAS site)
- Noise and general disturbance
- Unacceptable loss of a protected tree
- Should permission be granted request permitted development rights be removed for new extensions and windows
- Landscape screen and new fence should be provided along site boundaries
- Bedrooms and ensuites in the loft and roof lights not necessary and should be omitted. Roof lights result in unacceptable overlooking.

7. Internal Consultees

7.1 Transportation Development, Ecology and Trees – No objections.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/19112012/S).

9. Appraisal

9.1 Key issues:

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

Design, Layout and Appearance

- 9.2 The scale and massing of the proposed houses would be in keeping with surrounding development. The layout of the houses, with each house set in a large plot would be appropriate. External appearance is high quality and visually attractive. The proposed design, layout and appearance is therefore acceptable and in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Access and Parking

- 9.3 The proposed access arrangements and parking provision is acceptable. Each house would have three car parking spaces which would be appropriate for a five bedroomed house. The proposals are in accordance with UDP policies H6, AM12, AM15 and BCCS policy TRAN2.

Residential Amenity

- 9.4 The position of the houses respects the privacy, daylight and outlook from adjacent dwellings as well as providing for the amenities of future occupiers. Each of the houses would be positioned sufficiently away from adjoining housing such that there would be no unacceptable overlooking.
- 9.5 The private amenity areas are of sufficient size to support the proposed dwellings.
- 9.6 The proposals are in accordance with UDP policy H6 and SPG3.

Trees

- 9.7 The proposals result in the loss of two protected trees. However satisfactory replacement tree planting is proposed. An effective tree screen would be provided between the new housing and surrounding development. The Council's Tree Officer has not objected to the proposals and the development is in accordance with UDP policy N1 and N7.

10. Conclusion

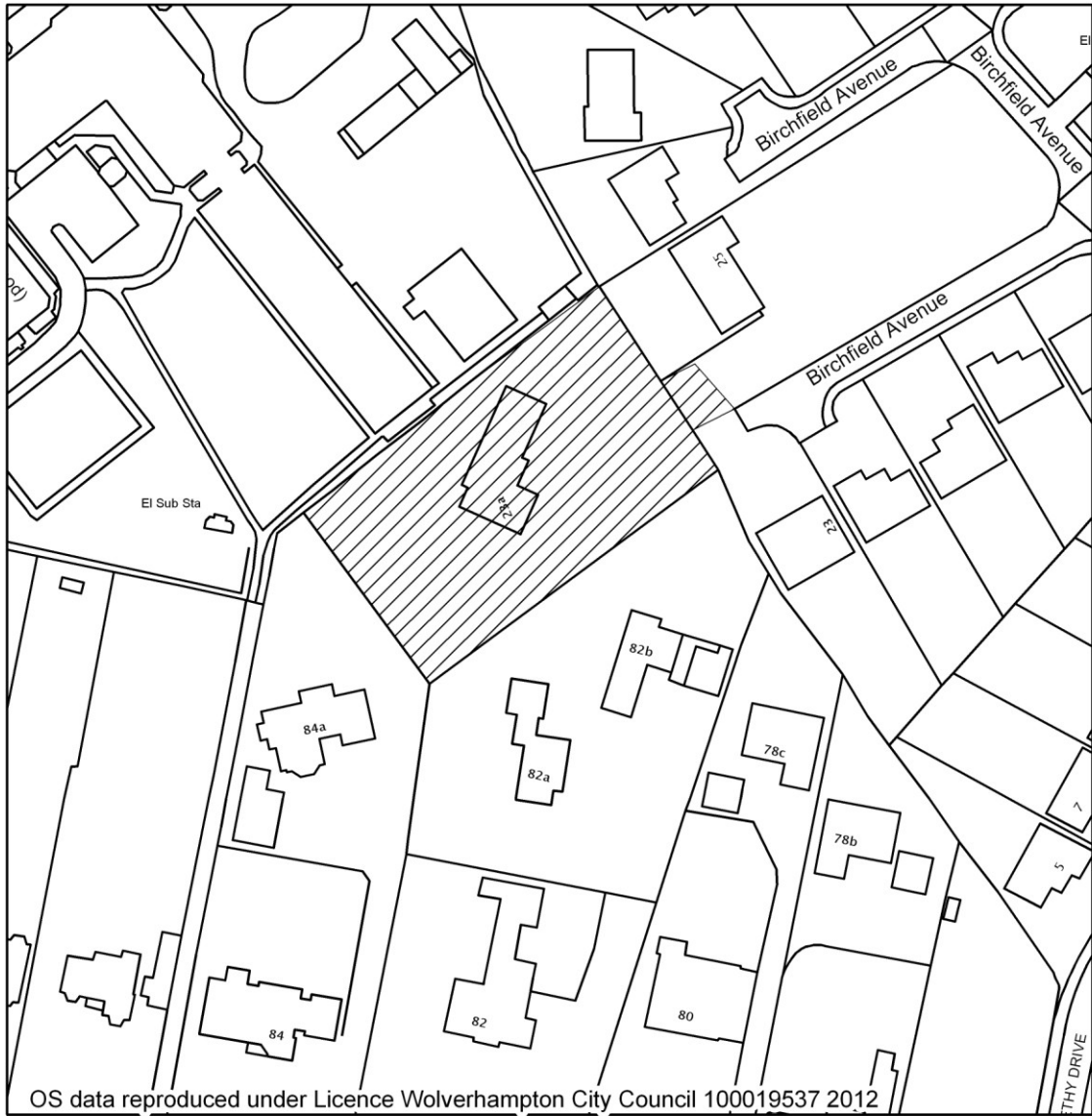
- 10.1 The proposed dwellings are acceptable in principle and they would replace an existing bungalow on the site. In respect of scale, height, roof design and building line, the proposed dwellings have been designed to harmonise with the two storey dwellings and bungalows on adjacent plots. The details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

11. Recommendation

- 11.1 That planning application 12/01099/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)
- Bin storage
- Provision and retention of car parking
- Tree protection measures
- Implementation of ecology/wildlife enhancement measures as shown
- Remove permitted development rights in respect of new windows in south facing flank wall of house on plot 4

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



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Planning Application No: 12/01099/FUL

Location	Chestnut Cottage, Birchfield Avenue, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387718 300560
Plan Printed	21.11.2012	Application Site Area	2340m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/01211/OUT **WARD:** Graiseley

RECEIVED: 08.10.2012

APP TYPE: Outline Application

SITE: 102 Coalway Road, Wolverhampton, WV3 7NB

PROPOSAL: Outline planning application for the erection of 2No. 3bed Dormer bungalows at the rear of 100 & 102 Coalway Road

APPLICANT:

Mr J A Macey
102 Coalway Road
Penn
Wolverhampton
WV3 7NB

AGENT:

Mr J K Kalsi
Building Designs & Technical
2 Coalway Road Penn
Wolverhampton
WV3 7LR

COMMITTEE REPORT:

1. Site Description

1.1 The site forms the garden land to the rear of 100 and 102 Coalway Road. There is no clear boundary division between the two properties, at the rear, however, it is understood that the garden land is divided as shown on the submitted location plan.

1.2 This part of Coalway Road is depicted by street frontage development and large gardens with trees to the rear of a specific size and depth, and an open aspect across the cemetery beyond, which is within the St Philips (Penn Fields) Conservation Area.

2. Application details

2.1 The application is for outline permission for the erection of two, three bedroomed, detached dormer bungalows, one with a detached garage. The outline application seeks consent for access and layout only, but an indicative layout is shown and any consent would relate only to chalet bungalows.

3. Constraints

3.1 Conservation Area - St Philips (Penn Fields) Conservation Area
Listed Building Curtilidge -
Landfill Gas Zones
Mining Advice area

4. Relevant Policies

The Development Plan

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 Other relevant policy documents

5. Environmental Impact Assessment Regulations

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

6. Publicity

- 6.1 Eight letters of objection received with one request to speak at planning committee. We have also received one petition with fifty eight signatures. Objections are as follows:

- Out of keeping with the established local residential pattern of properties
- Overdevelopment
- Inappropriate backland development
- Out of keeping with the spacious residential gardens
- Overbearing
- Out of Character
- Loss of light and sunlight to neighbouring properties and gardens
- Loss of outlook/visual impact
- Loss Privacy
- Disruption
- Public nuisance
- Noise pollution
- Light Pollution (due to vehicles approaching and leaving the site)
- Increase in traffic pollution
- Increase in road traffic risks, due to increase in vehicle movements
- Highway Safety
- Insufficient access to the property/visibility splays
- Insufficient parking/turning areas
- Health and Safety Risks – land suitability, mining area, and asbestos on site
- Service Road inadequate for emergency vehicles
- Detrimental to Conservation Area
- Detrimental to the setting of the nearby St. Phillip’s Church, a grade II listed building
- Impact on the natural haven for wildlife (Badgers, Fox’s, and Birds)
- Loss of flora

- Amenities to proposed dwellings unsatisfactory (bin storage on collection days)
- Safety Risk, with the boundary remaining open
- Inaccurate plans, boundary.

7. Internal Consultees

- 7.1 **Transportation Development** – No objections in principle, dropped kerb required to be extended, to facilitate the proposed garage and drive for the existing property at No. 102.
- 7.2 **Environmental Health** – Recommend standard operational hours during construction and gas protection due to proximity of old landfill gas sites.
- 7.3 **Historic Environment Team** – Detrimental to the setting of and the views from the St Philip's, Penn Fields Conservation Area, which is an important open space forming a vital part of the setting of the grade II listed church.
- 7.4 **Tree Officers** – No objections.

8. External Consultees

- 8.1 Fire Officer –New access road not wide enough for fire tender access

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act.
- 9.3 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. (KR/19112012/K)

10. Appraisal

- 10.1 The key issues are: -

- **Principle of Development**

- **Conservation**
- **Layout**
- **Access/Parking**
- **Neighbouring Amenity**

Principle of Development

- 10.2 The site currently forms part of the rear gardens areas, to 100 and 102 Coalway Road. The garden land is well maintained, and appears to be shared with no clear dividing boundary between each property. The character of this particular part of Coalway Road, is street frontage development only, with spacious well treed rear gardens, and an open aspect beyond, across the cemetery to the rear. There are no surrounding developments, other than small detached outbuildings (garages/garden storage).
- 10.3 Although the National Planning Policy Framework, is committed to delivering a wide choice of quality homes, it has stressed that this should not be at the expense of the environment and in particular excludes residential gardens from the definition of 'previously used' or 'brownfield' sites, and that local authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where development would cause harm to the local area.
- 10.4 The Unitary Development Plan also states that proposals should respond positively to the established pattern of streets and building, including plot sizes, spatial character and building lines, of which they form a part, and proposals should preserve or enhance qualities of townscape and landscape character that are of value.
- 10.5 The large leafy gardens, that exist to rear of these properties add particular character to this particular part of Coalway Road, especially with the conservation area and cemetery beyond. The proposed development would be clearly at odds with the established setting, resulting in a form of development which would not be continuous, coherent or integrated, failing to respect the spacious setting which currently exists, which would harm the character and appearance of the local area.
- 10.6 Therefore, it is considered that the principle of development to the rear of the existing frontage properties is unacceptable, as the development would not relate positively to the existing context of buildings, streets and spaces of which it forms part, and would not contribute to the character of the established environment, resulting in a negative impact on the local area, contrary to Policies ENV2, D4, and D6.

Conservation

- 10.7 The rear boundary of the proposed site is adjacent to St Philip's, Penn Fields Conservation Area. As shown on the block plan the rear of the proposed buildings would at the closest point be only 10.6m from the boundary of the graveyard associated with St Philip's Church. In the 2012 appraisal of the conservation area, the graveyard is assessed as an important open space forming a vital part of the setting of the grade II listed church. The grounds themselves make a significant contribution to the character and appearance of the conservation area.

- 10.8 Whilst there is a high brick wall forming the boundary between the development site and the graveyard it is considered that when viewed from the paths within the area, the two proposed dwellings would be clearly visible above the wall and would therefore have a detrimental impact on the setting of and views from the conservation area.
- 10.9 The long rear gardens of the houses fronting onto Coalway Road provide a green buffer to the southern boundary of the graveyard providing long views to the rears of the properties glimpsed through trees and other tall garden vegetation. If permission was granted this would set a precedent for further rear garden development in the environs of the graveyard leading to potentially more significant cumulative harm.
- 10.10 Therefore, it is considered that the proposed development is contrary to BCCS Policy ENV2 and UDP Policies HE1 and HE4

Layout

- 10.11 The proposed layout involves a clear division of garden land to the rear of properties 100 and 102 Coalway Road, in an “L” shaped format. Due to the size of the private gardens to these properties, there would be sufficient land to support both existing and proposed properties to more than meet the Councils minimum standards which seek to ensure a degree of privacy. The distance between the development and those properties fronting Coalway Road is in excess of 35m which reduces the dominance of these buildings especially when viewed from neighbouring properties. The proposal provides sufficient parking provision for each property with three cars per dwelling, and there is a garage proposed for the existing property at No. 102. The internal layout has an acceptable orientation with the lounge and one of the bedrooms having a southern aspect. Therefore, the proposed layout is consistent with Policies ENV3, D4, D5, and D6.

Access and Parking

- 10.12 The access to the site, and its division to accommodate both the application site and the existing property at No. 102 Coalway Road, would require the dropped kerb to be widened, which can be facilitated. The level of parking provided is considered sufficient to support both existing and proposed dwellings. The access detail has been amended to provide refuse storage within a suitable distance of the highway, and amendments have been made to address access for fire hydrants. Therefore, the proposal is compliant with Policies AM12, and AM15.

Neighbouring Amenity

- 10.13 The proposed dwellings would be at odds with the established spatial setting and character at this location, and the bungalows would be clearly seen from neighbouring properties. Nevertheless, due to the size of the site, it is considered that the proposed dormer bungalows would not appear obtrusive, or oppressive when viewed from neighbouring properties. However, the far end of the gardens to both neighbouring properties would be affected, and on balance, it is considered that the proposed bungalows would be unduly detrimental, due to their close proximity to the boundaries, resulting in an overbearing visual impact and a poor outlook from this area of the gardens in this otherwise open setting.

- 10.14 The proposed windows to the frontage would be to ground floor only, and so would be sufficiently screened by boundary treatment and shrubbery, so as not to cause any harm to privacy. The proposed dormer windows are to be positioned to the rear of the properties only, with no direct views across neighbouring amenities. The proposal if approved could also be conditioned to restrict any future insertion of dormer windows or velux roof lights to the front of the properties, to protect neighbouring amenities, and any concern from a perceived loss of privacy.
- 10.15 The proposal is for dormer bungalows only, and due to the nature of their size, and orientation of the site, it is considered that there would be no significant loss of light or sunlight to neighbouring properties, or their garden areas.
- 10.16 The proposal is for two dormer bungalows only, therefore, it is considered that the noise generated from cars approaching or leaving the properties, would not be sufficient enough to cause any significant disturbance to neighbouring amenities.
- 10.17 However, due to the detrimental impact to the outlook from the neighbouring gardens the proposal is contrary to UDP Policies D7, D8 and D9.

11. Conclusion

- 11.1 The proposed site could due to its size, support both existing and proposed dwellings. However, the proposal would be at odds with the established spacial character and setting, at this particular part of Coalway Road, and so the proposed development would result in a form of development which would appear out of keeping, reducing the spacious setting, and would fail to contribute to the existing quality of the surrounding area, nor would it protect or enhance the character of the St Philip's, Penn Fields Conservation Area adjacent to the application site, which should be protected. Due to the close proximity of the development with neighbouring gardens, the proposal would be detrimental to neighbouring amenities (outlook from gardens) with a structure which would be overbearing in appearance in this open setting. Therefore, it is considered that the proposal is unacceptable, as it is contrary to policies ENV2, ENV3, D4, D6, and D7, D8 and D9 and should be recommended for refusal.

12. Recommendation

- 12.1 That Planning Application 12/01211/OUT be refused, for the following reasons:
1. The proposed dwellings would result in the unacceptable sub-division of the existing garden to this house, detracting from their setting, resulting in a form of development which would be out of keeping with the established pattern and spacious setting, detracting from the character and appearance of the existing street scene, locality and the setting of the neighbouring St Philip's, Penn Fields Conservation Area.

Relevant BCCS Policy ENV2 and ENV3 and UDP Policies: D4, D6, HE1, and HE4.

2. The proposed dwellings would, by reason of their height/bulk and position relative to the gardens at 104 Coalway Road and 98 Coalway Road; have an overbearing effect on the outlook presently enjoyed by these gardens.

Relevant BCCS Policy ENV3 and UDP Policies: D7, D8 and D9

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



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Planning Application No: 12/01211/OUT

Location	102 Coalway Road, Wolverhampton, WV3 7NB		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 389481 296872
Plan Printed	21.11.2012	Application Site Area	1033m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/00967/FUL

WARD:

Bilston East

RECEIVED: 17.08.2012

APP TYPE: Full Application

SITE: 104 Church Street, Bilston, Wolverhampton

PROPOSAL: Change of Use from former Bakers shop(A1) to Coffee shop(A3).

APPLICANT:

Mr James Bennetts
23 Stokesay Avenue
Perton
Wolverhampton
WV6 7RS

AGENT:

Mr Mark Hawkins
Central Conversions & Designs Ltd
1A The Hawthornes
Sanderling Rise
Burntwood
Nr Lichfield
WS7 9NZ

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site fronts onto the pedestrianised section of Church Street in Bilston Town Centre. Bilston Town Centre is a secondary commercial centre in the City and plays an important part in providing a range of services and outlets which meet the needs of the local community.
- 1.2 The application site is an existing vacant A1 retail unit in the main shopping parade within Bilston Town Centre. The location is highly accessible with ample car parking provision nearby and good transport links. It is located within the frontage of 100 - 118 Church Street, which consists of 9 units.
- 1.3 The results of a survey in August 2012 revealed that within this frontage there were 7 units in A1 use and 2 units in non-A1 use.
- 1.4 Above the retail unit at 1st floor there is residential accommodation.
- 1.5 There is a service yard to the rear of the unit.

2. Application details

- 2.1 The application seeks permission for a change of use of the premises from Use Class A1 (vacant unit, former Bakery) to Use Class A3 (coffee shop).
- 2.2 It is proposed that the café would provide seating for up to 20 people.
- 2.3 It is proposing to employ three staff members two full time and one part time.

3. Relevant Policy Documents

The Development Plan

- 3.1 National Planning Policy Framework (NPPF) (2012)
- 3.2 Black Country Core Strategy (BCCS)(2011).
Wolverhampton's Unitary Development Plan (2006)

4. Environmental Impact Assessment Regulations

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

5. Publicity

- 5.1 One letter of objection and one petition objecting with 51 signatures from the Bilston Town Centre Traders Forum. A second petition is in support of the proposal with 382 signatures.

The representation in support makes the following planning comments:

- The café will attract footfall people into Bilston Town Centre
- Bring a vacant shop back into a beneficial use

The representation against makes the following planning comments:

- Will have an effect on other similar establishments
- There are already several coffee shops in the town centres.

6. Internal Consultees

- 6.1 Environmental Health –

- Effective control of cooking odours, system to be designed and approved by a suitably qualified person, must be installed.
- Ventilation systems should be located and constructed so as not to cause nuisance from either noise or odour to occupiers of surrounding premises.
- Adequate provision should be made for the removal and storage of trade waste and other refuse.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 7.2 In light of the variance of uses in Bilston Town Centre it is important that the balance and vibrancy of the centre is maintained and all conditions are adhered to Legal implications reference LM/09112012/A

8. Appraisal

8.1 The main issues are: -

- Non A1 use in the Town Centre

Non A1 use in the Town Centre

8.2 The proposals bring non A1 uses to 30% of the total retail units in the District Centre, which is compliant with BCCS policy requiring that not more than 30% are non-A1 uses.

8.3 The proposals would result in 33% of the frontage length being in non-retail use when assessed as a whole. Consequently the proposal is not consistent with the BCCS policy requirement of no more than 30% of a frontage length being non-retail.

8.4 Whilst the proposal just exceeds the frontage policy, there are other material considerations. Cafes perform an important function in attracting shoppers to centres who are then likely to spend more time within the retail destination. Cafes also increase pedestrian footfall and can create frontages which are more active than some A1 uses. Bilston Town centre has a variety of uses including, shops, hairdressers, estate agents, cafes and banks. Balancing these uses is important to the retail function of the centre. Further, a variety of uses will provide people with the opportunity to undertake a range of tasks in one visit, therefore reducing the need to travel outside the Centre.

8.5 The proposed coffee shop will bring footfall into Bilston and will benefit other operators with the town centre. The proposals will also result in the creation of two full time jobs and one part time job and will bring a previously vacant unit back into occupation. Overall it is considered that the proposal will not undermine the balance of uses in the centre.

8.6 Therefore the proposal is not considered to be a threat to the retail function of Bilston Town Centre either as a whole or in this part of the Town Centre and is in-line with legislation which places a duty on local planning authorities to determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise and to approve proposals which are of a sustainable nature.

8.7 The property occupies a prominent position on Church Street in Bilston Town Centre's Primary Shopping Area. Due to the length of time the unit has been vacant and the very poor response to occupy it under the same Use Class (A1), it is a priority to ensure that this vacant unit is brought back into beneficial use, which would contribute to economic growth, job creation and regeneration. The proposal is therefore considered acceptable and compliant with policies SH10, SH14 and CEN4.

8.8 Two petitions have been received

- One in favour with 382 signatures suggesting that Bilston has been on the decline over the past couple of years with shops being left vacant for excessive periods of time, allowing vandals to target the properties, thus the lack of any potential interested investors, causing no

confidence, all of which quickly spirals out of control, and causes a detrimental down turn to the area, potentially being left in a unrecoverable state. This brings the area image down and puts off the general public from visiting the area, thus more businesses closing down.

- One letter and one petition objecting with 51 signatures stating that there are enough cafés, restaurants and take-aways' in the town and another one will have a negative impact on existing businesses.

8.9 The main shop area of the site had previously been used for the sale of hot and cold food (A1 – Sandwich Bar), with built in extraction fan and canopy. The premise has adequate provision for the removal and storages of trade waste and other refuse due to the previous trading use.

9. Conclusion

9.1 On balance the proposal to change the use from A1 retail to A3 coffee shop is acceptable. The resulting increase of non-A1 frontage within the Town Centre whilst not wholly compliant with policy BTC6 is not deemed to undermine the retail functions of Bilston Town Centre, and would have complementary benefits of attracting shoppers to the centre, and supporting existing shops. In addition the proposal will provide two full time jobs and one part-time job, and would bring a vacant unit back into use. The proposal would contribute to sustainable economic growth, job creation and regeneration.

10. Recommendation

10.1 That planning application 12/00967/FUL be granted.

Case Officer : Ms Mindy Cheema
Telephone No : 01902 551360
Head of Planning – Stephen Alexander

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/00866/OUT

WARD: Heath Town

RECEIVED: 23.07.2012

APP TYPE: Outline Application

SITE: Gunnebo UK Limited (Formerly Chubbs Safe Ltd), Woden Road, Wolverhampton

PROPOSAL: Outline application with appearance, scale and landscaping reserved. Residential development for up to 69 houses.

APPLICANT:

Mr Peter Mathews
Gunnebo UK Limited
Fairfax House
Pendeford Business Park
Wobaston Road
Wolverhampton
WV9 5HA

AGENT:

Mr Rowan Chislett
MTC Planning and Design
Barn 5A
Sutton Hall Farm
Sutton Maddock
Shropshire
TF11 9NQ

COMMITTEE REPORT:

1. Site Description

- 1.1 This 2.65ha site includes the factory building, offices, bowling green and pavilion. It is located approximately one mile north-east of the City Centre.
- 1.2 To the north and west of the site is open space. To the south, beyond a five metre wide landscape strip is new housing at St Peter's Walk (former Chubb site). To the east is terraced housing on Woden Road. Vehicular access is from Woden Road.

2. Application Details

- 2.1 The application proposes 69 detached houses. The layout is submitted for determination at this stage. The indicative details suggest that there would be 52 four bedroomed houses, each with three parking spaces and 17 three bedroomed houses, each with two parking spaces.
- 2.2 Vehicular access would be from Woden Road. Pedestrian links are to be provided to Monsal Avenue to the north-west and to St Peter's Walk housing development to the south.
- 2.3 The existing bowling green and pavilion is shown as retained.
- 2.4 The applicant states that the existing factory is too big for their business requirements as much of the manufacturing operation has been relocated to other premises in Wednesfield and Willenhall. Office based activities are now predominately located at Pendeford Business Park.

3. Relevant Policy Documents

- 3.1 National Planning Policy Framework (NPPF)
- 3.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

4. Environmental Impact Assessment Regulations 2011

- 4.1 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.

5. Publicity

- 5.1 Four representations received. Comments as follows:
 - Loss of residential amenity, by virtue of overlooking, noise disturbance, air pollution and loss of security. The proposed tenure of the dwellings and drainage details were also questioned. Heathfield Neighbourhood Plan Group query whether this site should be redeveloped for housing as it is currently occupied by a factory.

6. Internal Consultees

- 6.1 Environmental Health – No objections subject to conditions requiring contaminated land remediation; provision of double or secondary glazing to be for all habitable rooms facing onto or at right angles to Woden Road; acoustically treated trickle vents for habitable rooms facing onto or at right angle to Woden Road; and site waste management plan.
- 6.2 Transportation Development – No objections in principle. Detailed comments are including in the appraisal.

7. External Consultees

- 7.1 Environment Agency – Object. The submitted Flood Risk Assessment does not satisfactorily assess the flood risks arising from the proposed development.
- 7.2 Severn Trent Water Ltd – No objection subject to implementation of the development in accordance with the submitted drainage details.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/12112012/Y).

9. Appraisal

9.1 The site is an allocated housing site and as such the proposals are in accordance with BCCS policies HOU1, HOU2 and UDP policy H4.

9.2 The proposed layout is acceptable. There would be no loss of amenity to occupiers of surrounding housing. Parking provision is acceptable and there would be no detriment to highway safety. The proposals are in accordance with UDP policies D3, D4, D5 D6, D7, D8, H6, AM12, and BCCS policies ENV3 and TRAN2.

9.3 In accordance with adopted planning policy the following are required:

- 25% affordable housing
- 10% on-site renewable energy generation
- Public art (1% of construction costs)
- Targeted recruitment and training

9.4 In accordance with the CIL Regulations, there is no requirement for an off-site open space/play requirement as there are no open spaces in close proximity in need of enhancement.

9.5 The applicants are seeking a reduction in S106 obligations on the grounds of a lack of financial viability. They have submitted a financial viability appraisal (FVA) which is being considered by the District Valuer (DV).

9.6 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.

9.7 Should it be demonstrated that the scheme is not sufficiently viable to fund the full requirement, it would be justified to reduce affordable housing, public art and renewable energy requirements commensurate with the lack of viability, in order to support early development.

9.8 It is recommended that any reduction applies on a pro-rata basis to all dwellings that are ready for occupation within 3 years of the date of this Committee, with the full amount applying on a pro-rata basis to all those that are not.

10. Conclusion

10.1 The development is acceptable in principle and accords with the development plan, subject to receipt of a satisfactory Flood Risk Assessment, completion of a S106 agreement and conditions as recommended.

11. Recommendation

11.1 That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 12/00866/OUT subject to:

1. The receipt of a satisfactory Flood Risk Assessment
2. Completion of a Section 106 Agreement to include:

For the whole development

Targeted recruitment and training

If viable

- 25% affordable housing (70% social rent and 30% shared ownership)
- 10% on-site renewable energy
- Public art (1% of development costs)

If not viable:

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

3. Any necessary conditions to include:
 - Submission of reserved matters
 - Drainage
 - Levels
 - Boundary treatments
 - Site waste management plan
 - Construction management plan
 - Landscaping implementation
 - Provision and retention of car parking
 - Contaminated land remediation
 - Double or secondary glazing to be provided for all habitable rooms facing onto or at right angles to Woden Road
 - Acoustically treated trickle vents for habitable rooms facing onto or at right angle to Woden Road
 - Pedestrian links to the south (St Peter's Walk) and north-west (Monsal Avenue)

Notes for Information –

Coal Mining Area

Section 38 Highway Agreement

Case Officer : Mr Phillip Walker

Telephone No : 01902 555632

Head of Planning – Stephen Alexander

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/01284/EXT

WARD:

Bushbury North

RECEIVED: 19.10.2012

APP TYPE: Extension of time

SITE: Treetops, Land On West Corner Of Junction With M54/Stafford Road, Wolverhampton

PROPOSAL: Application to extend the time limit for implementing Outline planning permission 08/01174/OUT for mixed use development including two office buildings and a hotel. Access and Layout are submitted for approval at this stage. Appearance, landscaping and scale are reserved matters.

APPLICANT:

Ask Developments Limited
C/o Agents

AGENT:

Mr Graham J Parkes
Tweedale Limited
265 Tettenhall Road
Wolverhampton
WV6 0DE

COMMITTEE REPORT:

1. Site Description

- 1.1 This 1.4 hectares site is in a prominent 'gateway' location, adjacent to junction 2 of the M54.
- 1.2 Adjoining the western and southern boundaries of the site are large industrial and commercial premises. On the opposite side of the A449, is Wolverhampton Business Park.
- 1.3 The site, which is generally level, was until recently used for the storage of heavy goods vehicles and trailers. Part of the site has been cleared to be used as a temporary depot related to A449 highway works.
- 1.4 Vehicular access into the site is from the M54 slip road with an egress onto the A449.
- 1.5 There are a number of trees on site that are of amenity value.

2. Application Details

- 2.1 The application seeks an extension of time by five years to implement the outline permission for two office buildings and a three storey hotel with 63 bedrooms.
- 2.2 The buildings would follow the curved site frontage. The hotel is proposed in the north-west corner of the site, facing onto the M54 slip road. The centrally

positioned office building would have four storeys, and the office building to the south would have three storeys.

- 2.3 The proposed development would provide 4,995 sq.m. of B1(a) office floor space and 750 sq.m. of C1 hotel floor space. There would be 65 car parking spaces for the hotel including 3 disabled parking bays, and 185 spaces including 8 disabled parking bays, for the office development.
- 2.4 The applicant anticipates that the development would represent a £7.5 million investment and would result in 410 full-time jobs and 20 part-time jobs.

3. Planning History

- 3.1 08/01174/OUT. Mixed use development including two office buildings and a hotel. Access and Layout submitted for approval. Granted 03.12.2009.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5. Environmental Impact Assessment Regulations

- 5.1 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. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 7.2 The new permission would be an alternative to the original permission, which would remain extant. It should be noted that this is not an opportunity to revisit the grant of permission. However, as with all applications under the planning acts, the application must still be determined in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and particular regard should be had to any policy or material changes which may have changed since the original grant of permission (LM/16112012/Q).

8. Appraisal

- 8.1 As this is an extension of time application for a proposal that was considered acceptable in 2009, members of Planning Committee should focus their attention on development plan policies and other material considerations which have changed significantly since the original grant of permission.
- 8.2 The BCCS, which was adopted in 2011 identifies the site as being in a High Quality Employment Area (policy EMP2), safeguarded for manufacturing and logistic uses within Uses Classes B1 (b), (c), B2 and B8. Some employment generating non Class B uses are also permitted where they can be shown to support, maintain or enhance the business and employment functions of the area.
- 8.3 The proposed Hotel would be an acceptable non B class use and is therefore in accordance with the policy.
- 8.4 The proposed B1(a) Office use is not in accordance with the policy, but is acceptable because the proposals have potential for significant job creation and other planning and regeneration benefits, which are material considerations. The applicant states the proposals would create 410 full-time jobs and 20 part-time jobs and £7.5 million investment in the site. It would make good use of an underutilised site, and result in a landmark development.
- 8.5 The proposed office component of the development, although not in conformity with the development plan, would be under 5000 sq.m. and so there is no requirement to notify the Secretary of State.
- 8.6 An ecological survey and impact assessment has not been submitted. Subject to their receipt and it being demonstrated that the development would not have an unacceptable impact on wildlife, the proposal would be in accordance with UDP policy N9 and BCCS policy ENV1.

9. Conclusion

- 9.1 Notwithstanding the adoption of the BCCS, the proposed development remains acceptable, subject to it being demonstrated that there would be no unacceptable impact on wildlife and the imposition of conditions.

10. Recommendation

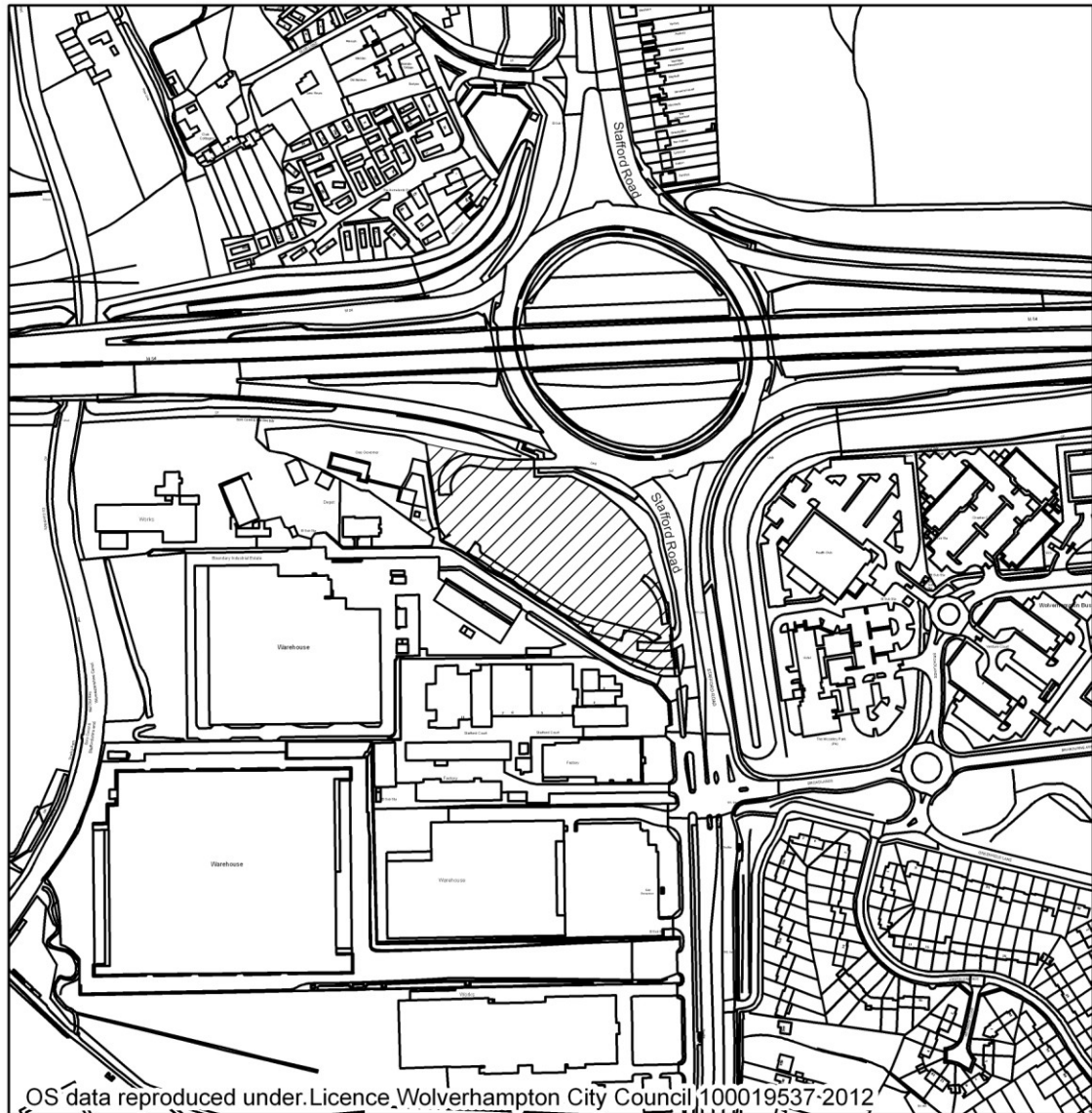
- 10.1 That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 12/01284/EXT subject to:
1. Submission of an acceptable ecology survey.
 2. Any necessary conditions to include:
 - Submission of reserved matters
 - Drainage (including implementation of agreed flood management proposals)
 - Levels
 - Boundary treatments (including access barriers)

- Site waste management plan
- Construction management plan
- Landscaping implementation
- Provision and retention of car parking
- Contaminated land remediation
- Tree Protection
- External lighting
- Public art
- Cycle and motorcycle parking
- Travel Plan
- Car park management plan (to include details of signage and road marking)
- Bin stores
- Provision of a pedestrian and cycle route along the eastern and western site boundary
- 10% Renewable energy
- Targeted recruitment and training
- Implementation of any necessary ecology/wildlife protection measures

Note for information –

National Grid pipeline is located at the site.

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



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Planning Application No: 12/01284/EXT

Location	Treetops, Land On West Corner Of Junction With M54/Stafford Road, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 391525 304372
Plan Printed	21.11.2012	Application Site Area	13719m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/00296/FUL

WARD: Wednesfield South

RECEIVED: 14.03.2012

APP TYPE: Full Application

SITE: 43 Taylor Street, Wolverhampton, WV11 1TL

PROPOSAL: Conversion of 43 Taylor Street (including former factory unit) to residential and extension of building. Two proposed dwellings fronting on to Duke Street. AMENDED PLANS RECEIVED

APPLICANT:

Mr S Singh
34A Bilston Road
Tipton
DY4 0BZ

AGENT:

Mr Andy Law
Complete Design
45 Bath Street
Sedgley
Dudley
DY3 1LS

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is located on the edge of Wednesfield village centre.
- 1.2 The site comprises an existing vacant terraced house, dating from approximately 1865, and adjoining vacant factory unit facing on to Taylor Street. Immediately to the rear of the factory unit is a large building which has been knocked through to attach to the original factory unit. There is a further, smaller outbuilding and car park area that faces on to Duke Street.
- 1.3 The dwelling at number 43 and the adjoining unit is on the Council's historic asset register and are locally listed buildings. An article 4 direction has been issued to prevent the demolition of the existing house and adjoining factory unit without planning permission.
- 1.4 This building is on the Council's historic asset register as it is a good example of a mid 19th Century house, retaining many of its original features. In addition, the adjoining factory unit was used to manufacture animal traps, for which Wednesfield was internationally renowned in the late 19th and early 20th Century.

2. Application details

- 2.1 Partial demolition and conversion of former factory unit adjoining the dwelling at 43 Taylor Street to a dormer bungalow with an extension to the side and rear. Demolition of two outbuildings and the erection of two dwellings fronting on to Duke Street.

- 2.2 The dwellings facing Duke Street would have four bedrooms and the dormer bungalow facing Taylor would have three. The existing house facing Taylor Street will have three bedrooms.

3. Planning History

- 3.1 There is no relevant planning history.

4. Constraints

- 4.1 Mining Advice area
4.2 Historic Environment Record
4.3 Article 4 to prevent demolition.

5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF)
5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

6. Environmental Impact Assessment Regulations

- 6.1 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 Forty-nine letters of objection have been received, on the following grounds:

- Insufficient parking
- Loss of privacy
- Loss of light
- Out of character with existing development
- Museum more appropriate at this location
- Noise disturbance
- Undesirable precedent
- Detrimental impact on town centre
- Unacceptable visual impact
- Danger to pedestrian safety
- Overlooking
- Benefit for tourism
- No demand for development

8. Internal Consultees

- 8.1 **Archaeology** – no objections.
- 8.2 **Environmental Health** – recommend conditioning hours of operation in respect of demolition and redevelopment and requirement for contaminated land investigation.
- 8.3 **Transportation Development** – no objections to parking provision. Remove permitted development for new garages, condition that area behind existing garage doors cannot be accessed by motor vehicles.
- 8.4 **Historic environment** – condition joinery, plaque and building materials.

9. External Consultees

- 9.1 **Wolverhampton Civic and Historical Society** – no comments received on amended application.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 Having regard Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) the effect of an application on the significance of a non-designated Heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly on non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.3 Further. local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 10.4 On 12 June 2012 the Council made an Article 4 Direction under the Town and Country Planning (General Permitted Development) Order 1995 relating to 43 Taylor Street and Works. The effect of the Direction is to require that planning permission must be applied for and granted for any building operation consisting of the demolition of a building being development comprised within Class A of Part 31 of Schedule 2 of the 1995 Order. Prior to the Direction taking effect no such separate planning permission was required for such types of development. On 9 October 2012, by way of a Green Decision, the Direction was confirmed. So as to continue in effect from 9 October 2012.
KR/21112012/M

11. **Appraisal**

11.1 The key issues are: -

- Principle of residential development
- Design, layout and appearance
- Residential amenity
- Access and Parking
- Impact on heritage asset.

Principle of residential development

11.2 The application site is located within a residential area, therefore the principle of residential development at this site would be acceptable.

Design, Layout and Appearance

11.3 The scale and massing of the proposed houses fronting Duke Street would be in keeping with surrounding development and respect the building line within which it is situated.

11.4 The frontage facing Taylor Street would be repaired with the original glazing detail refurbished and retained. The external appearance of the proposed dwellings would be of a high quality design and visually attractive.

Residential Amenity

11.5 The proposed position of the houses would respect the privacy, daylight and outlook from adjacent dwellings. Each of the houses would be located so as not to unacceptably overlook either the proposed or the existing dwellings.

11.6 The private amenity areas are of a suitable size to support the proposed dwellings.

Access and Parking

11.7 The proposed access arrangements and parking provision are acceptable. Although the removal of permitted development to the garages attached to the Duke Street dwellings is necessary in order to retain parking provision.

11.8 The proposed new accommodation in the former factory unit would have a car port. There is no parking provision for the existing terraced dwelling. Whilst it was originally proposed, the dimensions and location resulted in poor visibility for vehicles exiting the site, therefore on-street parking is preferable. Whilst it is generally preferred for sites to provide sufficient off-street parking, the fallback position is that the site could be used as a factory without planning permission, which may generate more traffic and parking demand.

Impact on heritage asset

11.9 The retention and refurbishment of the original façade of the dwelling at 43 Taylor Street and the adjoining factory unit would ensure that there would not be any detrimental impact on the existing heritage asset.

11.10 The existing article 4 would restrict alterations to the site that could be undertaken without planning permission.

11.11 The historic assessment has shown that the buildings to be demolished do not have sufficient historic significance that would warrant their retention. There is nothing contained within the buildings that relate to trap making. The erection of an interpretation plaque marking the site and the retention of the façade would ensure that the heritage asset is suitably protected and its historic interest publicly acknowledged.

12. Conclusion

12.1 The proposed dwellings and change of use of the existing factory unit are acceptable in principle and would retain the important front elevation of the existing works building and the whole of the original house.

12.2 There would not be any detrimental impact on the amenity of neighbouring dwellings.

12.3 The parking provision at the site is sufficient and there would not be any detrimental impact on highway safety.

12.4 There would not be a significant detrimental impact on the heritage asset.

12.5 The proposal would comply with the NPPF, BCCS policies ENV2, ENV3, CSP4, WM5, TRAN2, and UDP policies H6, AM12, AM15, D3, D4, D5, D6, D7, D8, D9, D10, HE1, HE18, HE19

13. Recommendation

13.1 That planning application 12/00296/FUL be granted, subject to any appropriate conditions including:

- Submission of materials
- Sustainable drainage
- Operational hours during demolition and construction
- Landscaping and boundary treatments
- Contaminated land investigation
- Remove permitted development for the west flank wall of the converted factory unit
- Remove permitted development for the new garages
- Joinery details
- Interpretation plaque details
- Retention of chimney on existing dwelling
- Remove permitted development to replace windows and front door on the existing dwelling and former factory unit

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



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Planning Application No: 12/00296/FUL

Location	43 Taylor Street, Wolverhampton, WV11 1TL		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 394543 300477
Plan Printed	21.11.2012	Application Site Area	765m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/00899/RP

WARD:

Bilston North

RECEIVED: 24.07.2012

APP TYPE: Retrospective Planning Permission

SITE: 40 Gerrard Road, Wolverhampton, WV13 3LB

PROPOSAL: Part Retrospective. Conservatory to rear of new extension

APPLICANT:

Mr Sukhjit Singh
40 Gerrard Road
Wolverhampton
WV13 3LB

AGENT:

Mr Gurprit Benning
GT Designs
82A Holyhead Road
Wednesbury
WS10 7PA

COMMITTEE REPORT:

1. Introduction

1.1 This application was deferred by Planning Committee on 6th November for site visit.

2. Site Description

2.1 The application property is an extended semi-detached house set within an extensive corner plot adjacent to a public right of way. The property has an existing conservatory in addition to the proposed conservatory.

2.2 Planning application reference 11/00854/FUL, Granted 21.10.2011 for single storey extension to provide living accommodation for a disabled user is under construction. The internal layout to this application has changed to now include a study.

3. Application Details

3.1 The application proposal is part retrospective for a conservatory which has been attached to the approved extension ref: 11/00854/FUL, Granted 21.10.2011 currently under construction.

3.2 Construction of the conservatory has ceased further to advice upon visiting the site.

4. Planning History

11/00854/FUL for single storey rear extension,
Granted, dated 21.10.2011

5. Constraints

Mining Referral Area

6. Relevant Policies

The Development Plan

6.1 Wolverhampton's Unitary Development Plan

6.2 Black Country Core Strategy (publication document Nov 2009).

Other relevant policies

6.3 NPPF – National Planning Policy Framework

6.4 Wolverhampton's Supplementary Documents
SPG No4 – Extension to Houses

7. Environmental Impact Assessment Regulations

7.1 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 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824).

8. Publicity

8.1 Two objections were received in response to this application with one request to speak at planning committee. The reasons for objection can be summarised as follows:

- Overbearing impact
- loss of privacy

9. Legal Implications

9.1 Under S73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) on an application made to the local planning authority, planning permission which may be granted includes planning permission for development carried out before the date of the application. KR/22112012/J.

10. Appraisal

The key issues are impact on neighbour outlook and enjoyment of garden space.

Impact on Neighbours

- 10.1 The proposed conservatory is at the rear of the property and is to be attached to the previously approved extension. The distance between the conservatory and back of the properties along Vaughan Road to the rear is approximately one metre at its nearest point. Due to the design and location of the conservatory in respect of neighbouring properties, it is considered that amenities such as outlook, light and sunlight would not be significantly reduced.
- 10.2 Following negotiations with the applicant, the proposed conservatory has been designed to keep the roof height as low as possible to 2.9 metres to the highest pitch and 2.6 metres to the lowest pitch to minimise the effect on neighbour amenities such as outlook and enjoyment of garden space.
- 10.3 Therefore the proposed conservatory complies with BCCS Policy ENV3, UDP Policies D7 and D8.

Impact on Public Right of Way

- 10.4 A public right of way runs alongside the site, connecting Gerrard Road and Vaughan Road. The proposal will raise the boundary wall alongside this route. However, the right of way is characterised by high walls as security issues are of concern along this route. Therefore, there would be no detrimental impact to street scene, compliant with BCCS policy ENV3 and UDP Policy D4.

Design

- 10.5 Due to the size of the plot and generous size of the garden the proposed conservatory would not result in an overdevelopment of the site, and is considered to be of a suitable height and scale and so as to maintain the existing character and appearance of the property. Consistent with BCCS policy ENV3 and UDP policies D7, D8 and D9.

11. Conclusion

- 11.1 Although it is appreciated that the occupiers of the properties along to the rear of Vaughan Road are of the opinion the conservatory will adversely affect neighbour amenities such as outlook and privacy, it is considered that due to location and height of the conservatory, the proposal would not adversely affect neighbour amenity to an unacceptable degree. Also, due to the size of the substantial size of the plot, the garden is capable of accommodating the proposed development. Therefore complying with the relevant UDP Policies D7-height and D8-Massing.

12. Recommendation

- 12.1 That Planning Application 12/00899/FUL is granted planning permission, subject to any appropriate planning conditions.

Case Officer : Ms Laleeta Butoy
Telephone No : 01902 555605
Head of Planning – Stephen Alexander



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Planning Application No: 12/00899/RP

Location	40 Gerrard Road, Wolverhampton, WV13 3LB		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395272 298097
Plan Printed	21.11.2012	Application Site Area	694m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/01272/FUL

WARD:

Wednesfield South

RECEIVED: 23.10.2012

APP TYPE: Full Application

SITE: 82 High Street, Wednesfield, Wolverhampton

PROPOSAL: Change of use from A1(retail) to A3 (Cafe)

APPLICANT:

Mrs Margaret Phillips
67 Mercia Drive
Perton
Near Wolverhampton
WV6 7NH

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The unit is located within the main High Street, of Wednesfield Village Centre. The centre provides a range of shopping, office and community facilities for residents of this part of the City.
- 1.2 The unit is vacant at present but its former use was a "Butchers" falling within the "A1" (Retail) category of the use Classes Order. There are flats above the shops in this part of the High Street.

2. Application details

- 2.1 The proposal seeks to change the usage from "A1" (Retail) to "A3" (Café). There are no alterations proposed to the unit, and there is no requirement for an external flue as the cooking would be limited to the warming of food items only. Opening times 9am to 5pm Monday to Friday and 9am - 5pm Saturday.

3. Constraints

- 3.1 Primary Shopping Area
Wednesfield Village Centre Inset

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5. Environmental Impact Assessment Regulations

- 5.1 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 Petition received with 14 signatures, objecting to the proposed usage, as it may undermine other similar uses within the Village Centre.

7. Internal Consultees

7.1 Environmental Health

Air Quality/Food Safety/Health and Safety – proposal is minor and is unlikely to have any significant impact upon residential amenity. Recommended condition to prevent possible detriment to neighbouring amenities (Noise):

- Hours of opening, access for deliveries/collection of refuse to be considered.

- 7.2 **Property Services - Estates** – No response at time of writing

8.0 Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 The application is to change the use of the shop unit from a use within Class A1 (Shop) to a use within Class A3 (Food and Drink) of the Town and Country Planning (Use Classes) Order 1987. KR/19112012/M.

9. Appraisal

- 9.1 The key issues are: -

- **Principle of the proposed usage**
- **Neighbouring Amenity**

Principle of Usage

- 9.2 It is considered that some non-retail uses which provide alternative services for visiting members of the public are appropriate in shopping centres and within groups of local shops, such as this. These uses complement shopping and are considered acceptable, as long as they do not threaten the specific retail role.
- 9.3 Wednesfield Village Centre has a wide variety of uses to the main high street, the majority of which fall within the “A1” retail usage category. This unit falls

within a group of units, the majority of which fall within a “A1” usage, therefore, it is considered that the loss of this retail unit would not undermine the overall retail function, of this particular part of the High Street or the centre as a whole.

- 9.4 There are other similar uses within the centre, and objections have been raised from neighbouring units, raising their concern as to the effect the usage would have on existing businesses. However, the proposed change of use would not occupy a site which would result in more than 30% of the frontage being occupied by this particular usage. Competition is not a material planning consideration.
- 9.5 The application site has been empty for one year, and there are other empty units within the Wednesfield Village centre. The proposal would result in an empty shop being re-occupied, with a usage which would complement the retail function of the centre, providing activity, and adding vitality to the village centre. Therefore, the proposal is consistent with BCCS Policies, CEN4, CEN 6, and UDP Policies WVC1, SH10.

Neighbouring Amenities

- 9.6 The unit has a residential apartment above, and there are other residential units above neighbouring shops. The usage would only be open Monday through to Saturday, within normal shopping hours of 9am– 5pm.
- 9.7 However, inconsideration of residents adjacent to the premises, and any possible noise disturbance the following conditions are proposed:

- Restricting delivery and refuse collection times:

Deliveries and Collection of Refuse – 0800 hours to 1800 hours – Monday to Saturdays and 0900 hours to 1800 hours – Sunday and Bank Holidays.

- And Opening Times:

A minimum requirement opening hours should be limited to – 0700 hours to 2300 hours – Monday to Saturdays, and 0800 hours to 2300 hours – Sunday and Bank Holidays

in order to comply with BCCS Policies ENV3, ENV8 and UDP Policies EP1, EP3, EP4.

10. Conclusion

- 10.1 It is considered that the change of use would not undermine the overall role of Wednesfield Village as a convenience shopping centre, maintaining its viability/vitality, with no detrimental impact to neighbouring amenities subject to conditions as stated above. Therefore, it is considered that the proposal meets the requirement of National Planning Framework, Black Country Core Strategy, and Unitary Development Plan.

11. **Recommendation**

11.1 That planning application 12/01272/FUL is granted subject to the following conditions:

- Hours of Opening, Access for Deliveries and Refuse Collection:

Deliveries and Collection of Refuse – 0800 hours to 1800 hours – Monday to Saturdays and 0900 hours to 1800 hours – Sunday and Bank Holidays.

And Opening Times:

A minimum requirement opening hours should be limited to – 0700 hours to 2300 hours – Monday to Saturdays, and 0800 hours to 2300 hours – Sunday and Bank Holidays

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



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Planning Application No: 12/01272/FUL

Location	82 High Street, Wednesfield, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 394562 300242
Plan Printed	21.11.2012	Application Site Area	94m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/00652/FUL **WARD:** Bushbury North

RECEIVED: 29.05.2012

APP TYPE: Full Application

SITE: Wentworth Lodge Residential Home, Wentworth Road,
Wolverhampton

PROPOSAL: Two storey side extension and internal alterations to create eight additional bedrooms (resulting in 44 residential bedrooms)

APPLICANT:

Mrs Sandra Dell
Wentworth Lodge Residential Care Home
Wentworth Lodge
Wentworth Road
Bushbury
Wolverhampton
WV10 8EH

AGENT:

Mr Nick Massey
5 Knightsbury Close
Walsall
WS4 2HZ

COMMITTEE REPORT:

1. Site Description

- 1.1 This application was deferred at Planning Committee on 6th November 2012, in order to confirm that the proposed car parking layout, is a scaled plan, and can be facilitated on site.
- 1.2 The property concerned is a residential home, located on a prominent corner location, within a predominantly residential area, with a street scene consisting mainly of two storey semi-detached houses.
- 1.3 The premises has a large area of surfaced car parking surrounding the property to both Wentworth Road and Pendrill Road, and a private enclosed landscaped garden area to the southern/western aspect of the site.

2. Application details

- 2.1 The proposal involves a first floor side extension and two storey side extension. The proposal also includes some internal changes to create eight additional bedrooms, which would result in a forty four bedroom Residential Home.
- 2.2 The size of the two storey side extension (including the first floor extension) measures – 14m wide and 11.9m deep, with a feature gable projecting out to the frontage by 1m. The design is in keeping with the existing residential home, with a brick facade, and a pitched tiled roof.
- 2.3 The extension would provide four new bedrooms to the ground floor, and six new bedrooms to the first floor. The internal alterations to the existing ground

floor element would convert three existing bedrooms into a new lounge and laundry, and the conversion of the existing laundry to a new bedroom. This results in eight additional bedrooms.

3. Planning History

- 3.1 11/00121/FUL – first floor rear extension creating five new bedrooms, refused on 24 March 2011. Appeal dismissed on 17 October 2011.

Inspectorate states:

“the extension would appear bulky and incongruous addition to the rear of the home, owing little to the original design, and overwhelming the visible part of the rear elevation. Some visual harm would also result (albeit from a greater distance) in views from Pendrill Road, to the north”.

“Specific impact on the proposal on the aspect from No. 6 Denstone Gardens, whose side elevation and rear garden share a common boundary with the appeal site”

“As to the question of car-parking, the Council provide little detail to explain their concerns (although I have noted a number of representation by the local residents about the issue). The block plan accompanying the application indicated a layout to accommodate 10 spaces; and while I accept that little further detail was shown, I have been given no reason to believe that the area available for parking and manoeuvring would be inadequate, or that the matter could not be satisfactorily resolved by condition. This objection, therefore, is one to which I have not attached a great deal of weight”.

- 3.2 10/00118/FUL – Two storey side and first floor rear extensions creating ten additional residential bedrooms and erection of a conservatory to side elevation, refused 31 March 2010.
- 3.3 10/00504/FUL – Two storey side extension creating four additional residential bedrooms, granted 27 September 2010.

4. Constraints

- 4.1 Landfill Gas Zones, Mining Advice area, Sites and Monuments, Source Protection Zone.

5. Relevant Policies

The Development Plan

- 5.1 Wolverhampton's Unitary Development Plan
AM12 - Parking and Servicing Provision
AM15 - Road Safety and Personal Security
D4 - Urban Grain
D7 - Scale - Height
D8 - Scale - Massing

D9 - Appearance
H12 - Residential Care Homes

Other relevant policies

- 5.2 National Planning Framework
- 5.3 Wolverhampton's Supplementary Documents
SPG3 - Residential Development
- 5.4 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 Five representations received, and a Petition of 59 Signatures.
- 7.2 One letter – on behalf of the residents at Denstone Gardens raised no objection to the proposal.
- 7.3 Four Letters of objection, and a petition objecting to the following:
- Parking – Parking on Wentworth Road instead of the home.
 - Increased Traffic
 - Disturbance from dust and dirt
 - Out of Character
 - Out of Scale
 - Road Safety (in respect of children crossing the roads due to parked cars, access for emergency vehicles)
 - Overbearing
 - Loss of Outlook
 - Loss of Privacy
 - Loss of Sunlight
 - Incorrect Plans
- 7.4 Petition objects to parking.

8. Internal Consultees

8.1 **Access Team** – No objections.

8.2 **Transportation Development** - No objection subject to condition for the closure of the vehicular and pedestrian access off Wentworth Road, and the dropped kerb made good prior to development. This should encourage the use of the car park, and prevent additional parking to Wentworth Road.

8.3 **Adults - Older People** – No response received.

8.4 **Environmental Health** - No objection, subject to “Operational Hours” condition, to limit the potential for complaint during construction. Landfill Gasa Note 32 required.

9. External Consultees

9.1 Fire Service – No objection

10. Legal Implications

10.1 General legal implications are set out at the beginning of the schedule of planning applications [LD/08182012/C]

11. Appraisal

11.1 The key issues are: -

- Design
- Street Scene
- Layout
- Parking/accuracy of measurements
- Neighbouring Amenity

Design

11.2 The design of the first floor side and two storey side extension, with its pitched roof design and gable detail, is consistent with the existing character and appearance of the residential home, and with those properties surrounding which all display a pitched roof design..

11.3 The extension remains level with the existing front and rear elevations of the existing home, apart for the 1m projecting gable features, which reduces the dominance of the structure, especially when viewed from Denstone Gardens west of the application site, as it is significantly set back from the existing rear boundary.

11.4 It is considered that the new positioning and design has addressed the previous design reason for refusal by the Planning Inspectorate.

Street Scene

- 11.5 The proposal would result in a reduction to the visual break between the application site and the neighbouring property at 77 Wentworth Road. However, a sufficient gap would still remain (6.5m) enough not to have a significant impact on the appearance of the dwellings within the street scene, maintaining the character and appearance, of the surrounding area.

Layout

- 11.6 The proposed extension would increase the residential home from 36 to 44 bedrooms. There would be a loss of garden space to make way for the proposed extension; however, the area of land remaining around the perimeter of the site is approximately 500sqm, which is considered sufficient to meet the increased usage of this residential care home.
- 11.7 The proposed extension would increase the number of bedrooms by eight. It is considered that the proposed parking arrangement of 14 car parking spaces, ambulance drop off point and cycle parking, is sufficient enough to support the extended usage. Also to allay the concerns of neighbouring residents (as raised in the letters and petition of objections), the layout has been amended to remove the vehicular and pedestrian access off Wentworth Road, which should encourage visitors to use the car park, and prevent additional parking on Wentworth Road.
- 11.8 The plans have also been checked on site, at the request of planning committee, and it is confirmed that the proposed access, and parking layout, can be provided as proposed. The plans were very marginally different to that measured on site; however, the small discrepancies would not result in any loss of proposed parking spaces or access arrangements, as proposed. A slight amendment has however been requested to make access along the frontage easier, especially for ambulance type vehicles, which would be picking up/dropping off residents at the front door. An amendment to cut back the foliage around the perimeter of the site to the north/east corner would make access easier for larger vehicles and relocation of the proposed cycle store to the south/east corner of the site, is more secure for users of the storage. A slight reconfiguration of the car parking layout has also resulted in one extra car parking space, providing fifteen spaces in all.
- 11.9 Therefore, it is considered that the new positioning and layout has addressed the previous reasons for refusal, parking layout as quoted in the Council previous reasons of refusal (11/00121/FUL) and by the Planning Inspectorate.

Neighbouring Amenity

- 11.10 The proposal would be positioned 12m away from the rear boundary with Denstone Gardens, 25m away from those properties opposite in Wentworth Road, and 5.916m to 6.5m (due to a splay in the land) from the adjacent property at 77 Wentworth Road.
- 11.11 Due to the distance between the proposed extension and those properties within Denstone Gardens, it is considered that the proposal would not be unduly dominant, and although clearly evident would not appear overbearing or oppressive, from this neighbouring street scene.

- 11.12 The property along the southern aspect, 77 Wentworth Road, has no habitable room windows to its side elevation, only a landing window. There would be a distance of 5.916m between the neighbouring property and the gable end of the proposed extension. There would be a slight projection out past its rear elevation, however, due to the distance between the garden area and the proposed structure, the extension would not appear overbearing or oppressive, and there would be no loss of light or sunlight, due to the orientation. It is also proposed to include a condition to ensure that the side facing windows, in the fire exit are obscurely glazed, to protect the future privacy of this neighbouring property.
- 11.13 The properties opposite in Wentworth Road, would look directly out onto the proposed extension, however, there is a 25m distance between the windows of the proposed development and the properties opposite. Therefore, the proposed extension would not appear dominant or obtrusive, with no loss of privacy, light or sunlight.
- 11.14 It is considered that due to the new positioning of the proposed extension, the impact to neighbouring amenities has been significantly reduced, addressing previous reasons for refusal (11/00121/FUL) in respect of neighbouring amenity, outlook, light, sunlight, privacy and that by the Planning Inspectorate.

12. Conclusion

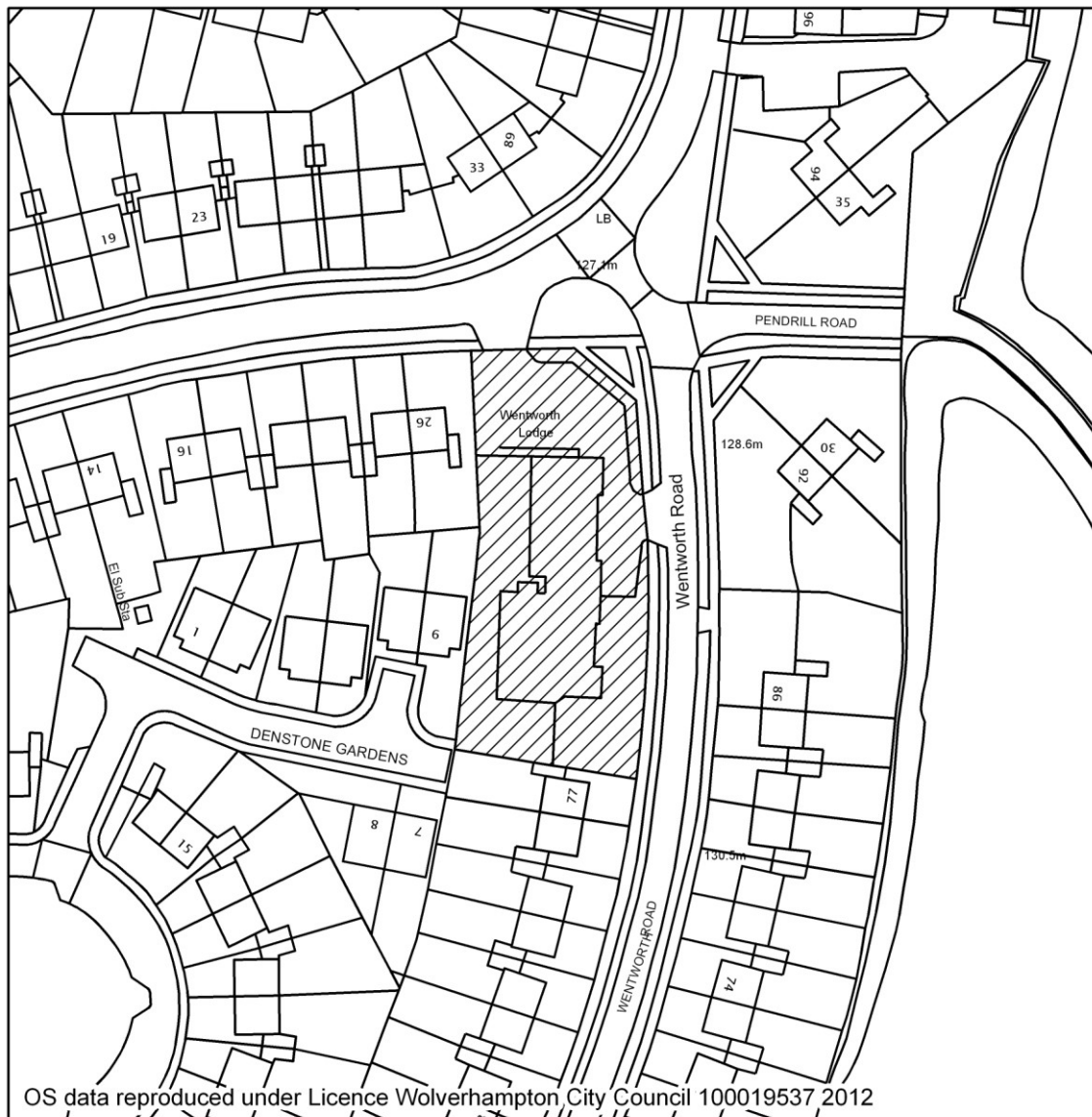
- 12.1 The revised proposals have satisfactorily addressed the previous reasons for refusal, including those by the Planning Inspectorate, with an alteration which is in keeping with the character and appearance of both the existing property, and those in the surrounding street scene. The proposal does result in a substantial extension to the existing home; however, there is a sufficient amount of parking and amenity space to support both the extension and its usage which would increase bedroom capacity by eight. Although this extension would be clearly evident from neighbouring properties, the impact on amenities, such as outlook, light, sunlight and privacy would be minimal. The conditions proposed should also protect the future amenities of neighbouring properties, and should dispel the concern in respect of parking/access issues. Therefore, the proposal is consistent with Black Country Core Strategy Policies ENV3, Tran4, and Unitary Development Plan Policies AM12, AM15, D4, D7, D8, D9, and H12, subject to conditions.

13. Recommendation

- 13.1 That planning application 12/00652/FUL be granted planning permission, subject to any appropriate planning conditions including the following:
- (i) Matching Materials
 - (ii) Parking Areas
 - (iii) Cycle Parking
 - (iv) Restriction of working hours during Construction Phase
 - (v) Closure of Pedestrian and Vehicular Access of Wentworth Road.
 - (vi) Details of boundary Treatment to Wentworth Road
 - (vii) Obscure glazing to those windows on the southern elevations.

(viii) Prior to Development the Vehicular and Pedestrian access from Wentworth Road, shall be closed off, the existing dropped kerb made good, and to remain closed unless otherwise agreed in writing by the Local Planning Authority.

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



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Planning Application No: 12/00652/FUL

Location	Wentworth Lodge Residential Home, Wentworth Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392570 303180
Plan Printed	21.11.2012	Application Site Area	2004m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 11/01198/FUL **WARD:** Penn

RECEIVED: 20.12.2011

APP TYPE: Full Application

SITE: The Warstones Inn, Warstones Road, Wolverhampton

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

APPLICANT:

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

AGENT:

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

COMMITTEE REPORT:

1. **Site Description**

1.1 This application was deferred at Planning Committee on the 7 August 2012, in order for the applicant to provide additional supporting evidence/detail as follows:

- An independent assessment of the financial viability of the current use as a public house
- Evidence that the marketing of the building had not prevented freehold use of the building as a pub
- More information in respect of sequential testing for a local centre location
- Clarification of the description of the proposed use of the building

1.2 The application site is currently trading as a public house. The site has extensive parking to the frontage, and a large area of garden land to the rear.

1.3 The surrounding area is predominantly residential, with residential dwellings adjoining the site along north and south boundaries, and open space abutting the rear eastern boundary. West of the site is Warstones Road with residential properties beyond.

2. **Application details**

2.1 It is proposed to change the use of the public house into a Veterinary Practice with a waiting room, reception pharmacy, offices, consulting rooms, preparation

area and toilet facilities. The proposal includes two extensions, to the rear/side of the premises, to house isolation areas, cat/dog wards, dental, x-ray, theatre, lab and staff/kitchen rest areas. Opening hours 8.00 – 20.00 Monday to Friday, 9.00 – 16.00 Saturday and Sunday/Bank Holidays 10.00 – 14.00.

- 2.2 The proposal would also create employment with eight full time and eight part time positions.
- 2.3 The proposed extension along the southern aspect measures 4.8m wide x 8.m deep. The extension along the northern/eastern aspect measures 8.8m deep x 7.6 wide. Both elements are to be built in materials to match the existing property, and the design incorporates flat roofed single storey structures with a parapet wall detail.
- 2.4 Other alterations are also proposed in the form of a new disabled access ramp to the frontage, small enclosed fenced area and blocking up of existing windows.
- 2.5 The applicant has confirmed that the proposed usage is for a “traditional veterinary practice”. ‘Your Vets’ aim to offer a high quality primary care service specifically aimed at local users so that animal health care is made “affordable but without compromises”. . The facility will provide the following:
 - Routine Vaccination
 - Puppy and Kitten Advice
 - Minor Surgeries (not out of hours to the opening times prescribed)
 - Health Clinic
 - Prescription Collections
 - Cat and Dog short recovery wards
 - In house nursing training
 - Routine worm and flea treatment
 - Dietary Advice
 - Advice on pet behaviour and training

3. Constraints

- 3.1 Mining Advice area

4. Relevant Policies

The Development Plan

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5. Environmental Impact Assessment Regulations

- 5.1 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 1 letter of support, 2 letters of objection received and a petition with 116 signatures.

Objections relate to:

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

- 6.2 Objection from CAMRA –

Insufficient information to satisfy Policy C3, as follows:

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

Other concerns:

- Proposed usage not consistent with a residential area

Additional Comments from CAMRA following submission of additional information:

- Barrelage Figures show an increase of over 30% between 2010 and 2011, so clearly the pubs performance was improving and could improve in the future.
- Road layouts would result in a longer commuting distance of 500m.
- In my opinion the minimum price of £425,000 is too high for the size, location and trading figures and placed as such to deter any bids from would be pub owners.
- In my opinion it is clear that as a development opportunity and with planning permission they would be expected to get more for the site rather than as a business.

7. Internal Consultees

- 7.1 **Environmental Health –**

Limit the potential for noise disturbance, by building the extensions to a specification that is sufficiently high enough to prevent noise break out, such as
:

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

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

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

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

7.4 **Parks** – No objections

8. **Legal Implications**

8.1 General legal implications are set out at the beginning of the schedule of planning applications.[LM/22112012/W]

9. **Appraisal**

9.1 The key issues are: -

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

Principle of Change of Use

9.2 The site occupies an out-of-centre location in terms of the National Planning Framework (NPPF), CEN7 of the Black Country Core Strategy and saved UDP Policy SH4.

9.3 There are no sequentially preferable sites within or on the edge of Warstones Local Centre which could accommodate the proposals, nor is there any evidence that the proposal would cause any significantly adverse impacts on Warstones Local Centre. Therefore, the proposal accords with Policies CEN5 and CEN7 of the Core Strategy.

9.4 Public Houses provide an essential service to the community, and there is a presumption in favour of retaining such facilities. The original application did not include information/analysis in respect of criterion 4 of UDP Policy C3 (that retention of the facility would not be economically viable) in respect of any marketing

9.5 The agent has now submitted further information confirming that the public house has been marketed, since October 2011. The particulars were prepared

in June 2011 and a paper copy (marked with date) has been provided. During this period there have only been two interested parties, one of which is a Care Home Operator, and a Veterinary Practice. Matthew Phillips Surveyors have continued to market the site fully. Information has been circulated to anyone who made enquires and a sale board has been on the site for almost 15 months. Therefore, the marketing can be said to meet with the guidance as set out in UDP Policy C3, Community Meeting Places.

9.6 Planning Committee also requested that the applicant prepare a viability appraisal, to be independently assessed. The applicant has been reluctant to prepare a viability appraisal, as there are in their view several other public houses within an acceptable walking distance or short bus ride and so the objective of the policy in retaining sufficient community meeting places is not compromised.. However, the applicant has provided additional information to clarify why the public house is no longer viable yet remains trading as a public house as follows:

- The site has made no profit for Punch Taverns Plc (after overheads) as a current open pub and trade since 2006 continues to decline.
- The tenant is currently not making a profit from the site – the current tenant is a multiple operator who earns income for running a high number of sites; part of Punch Taverns agreement with the tenant is that the doors will remain open on sites which make a loss but will be allowed to have a higher profit on better trading sites.
- The primary reason for keeping the public house open is to maintain the full integrity of the property and in turn maximise its potential for sale or let. All vacated public house sites have major issues with vandalism; not only do Punch Taverns incur the full cost of securing the site but the larger issue is theft of lead from roofs, illegal entry of the property to steal heating systems etc which has caused generally high insurance policy premiums.
- During the winter period the building would suffer from damp and mould; the theft of lead from roofs leads to water ingress further damaging the property.
- It is common to see a loss of £50,000 - £100,000 of value due to the above issues if a site remains closed for a long period of time i.e. 15 months therefore a weighted assessment was carried out. The advantages of 'keeping the doors open' despite making a loss outweighed the costs of vandalism in this instance.

9.7 The applicant has provided their 'Mat Barrelage' figures for the last six trading years. This indicates that there has been a severe decline in trade from 2006 to 2010 and despite a rise in 2011 this figure is still well below the 2009 figure. Therefore overall the figures indicate a significant declining trend, in Barrelage. The applicant suggests that this indicates there is no significant profit to sustain the value of the public house as an asset to the Company, and the figures display that the public house is no longer viable, with not enough increase in trade from 2010 through to 2011 to invest monies into a failing use.

9.8 Therefore, in the light of this information the application is considered to be acceptable in terms of Policy C3 because it complies with criterion 4 of the policy – "it would not be possible to retain the facility or provide an alternative

facility because, despite all reasonable efforts, this would not be economically viable.”

- 9.9 As the proposal complies with criterion 4 of Policy C3 there is no need for the application to demonstrate compliance with the other criteria in the policy for the application to be acceptable, under the terms of this policy. However, for robustness, the application has been considered in terms of the other relevant criteria in Policy C3 and further information has been provided by the applicant.
- 9.10 Additional information has been gathered in respect of other public houses /facilities that could serve residents who live within 500 metres (walking distance) of the application site. Four Public Houses have 500m catchment areas which overlap parts of the 500m catchment area of the Warstones Inn: The Rose & Crown, The Holly Bush and The Spring Hill to the south, and The Merry Hill on the northern catchment boundary. Three public houses are also accessible via public transport, bus routes namely; 255 and 256 or Arriva 64 all operational on 10-30 minute intervals.
- 9.11 It is CAMRA’s opinion that the public houses within this catchment area, are different to those facilities offered at “The Warstones Inn” with an emphasis on food, with a family orientated atmosphere, or are too far away. Nevertheless, these neighbouring public houses are all categorised under the same UDP Policy C3 “Community Meeting Places”, and although they offer a different type of environment, they still provide an establishment for drinking/meeting, within an acceptable distance and it is therefore considered, that these alternative facilities could accommodate community activities displaced by the proposed development.
- 9.12 In light of the additional analysis, it is accepted that there is good provision of public houses within reasonable walking distance, or via public transport of the site which would serve the local community, should the change of use take place.
- 9.13 In respect to why the applicant has chosen this particular site, and to clarify why it caters for their needs, the applicant has provided information confirming that a public house is ideal due to the building footprint, size and private parking. This particular site also serves a particular catchment area, which presently does not have the level of service this vets would provide. Other sites within Wolverhampton were considered, as indicated by details provided by Baxter Charles Property Consultants, but did not meet the requirements of a veterinary practice occupier.
- 9.14 It is accepted that there are several other local veterinary but they do not specifically cater for Penn and Warstones, with the exception of Price Less Pets (286 Coalway Road). This company offers a limited service and opening times. All the other practices are located on average 3-6 miles away from Warstones; thus not being accessible for emergency situations or on a public accessible walking route within 500 metres for those who do not have access to transport.

- 9.15 Therefore, notwithstanding that the proposal needs only to comply with the final criterion of Policy C3 (see section above), in the light of all the information now provided the proposal is considered to also meet criteria 1 and 2 of Policy C3.

Design/Street Scene

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

Layout/Parking

- 9.17 The existing building is set in substantial grounds especially to the rear of the property. There is sufficient land to support both the extensions and their use. There has been some concern raised by neighbours in respect of the land to the rear, and possible future use. The land is to remain as landscaped space, and would be maintained as such. A condition to ensure that the land is properly maintained is recommended.

- 9.18 The parking associated with the use is considered to be sufficient; however, due to the location of the public house, within close proximity and on a main route to local schools, conditions would be necessary restricting servicing between 9.30 and 2.30pm so as not to conflict with school travel times. Secure and covered cycle/motorcycle parking for staff would also be required with a minimum of 6 spaces in total.

- 9.19 Details of bin storage, including the disposal of especially clinical waste would also be necessary, and should be conditioned and submitted for further assessment.

Neighbouring Amenities

- 9.20 It is considered that the proposed extensions would have little impact on neighbouring amenities such as outlook, light, sunlight and privacy, due to the size and location of the proposed extensions, being of a single storey construction, and set well in from neighbouring boundaries.

- 9.21 The applicants have amended the plans, altering the internal layout, providing non opening UPVC high level casement windows to the cat/dog wards, to prevent noise outbreak. The windows (especially those to the western façade) should also display trickle vents or similar and be acoustically treated, which will be conditioned accordingly. These changes will help prevent potential for noise.

- 9.22 Any proposed air conditioning system will also need to be incorporated into the design of the development in order to reduce the need to open windows, and the choice and location of condensers will be required to be submitted for further assessment, to ensure that they are not a potential source of noise disturbance to surrounding properties. These details are to be conditioned.

- 9.23 As suggested above, it is proposed to maintain the external landscaped area to the rear, and there is no proposal for any external kennels, therefore, again removing any potential source of noise disturbance to neighbouring properties.

10. Conclusion

- 10.1 The applicant has now provided sufficient additional detail to meet the criteria in Policy C3 of the Unitary Development Plan, including that the public house has been satisfactorily marketed, that the public house is failing in trade, and is consequently unviable in its current use. Whilst the applicant has been unwilling to adhere to the Committee's request for a financial viability appraisal it is nevertheless felt that on the basis of the evidence submitted there is justified reasoning for the loss of the public house. That therefore to insist on a full financial appraisal would be unreasonable and if the application is refused on this basis could leave the Council open to costs on any appeal.
- 10.2 It has been demonstrated that there are no sequentially preferable sites, and that the use would provide a service for this part of the City, which is currently unavailable. Whilst the application site is outside a local centre, the use as a veterinary service would have no detrimental impact on current uses within Warstones local centre.
- 10.3 There are a sufficient number of other Public Houses in close proximity (either by foot or public transport), to serve the local community if the Warstones Inn became a veterinary practice.
- 10.4 The proposed layout/alterations would have no significant impact on neighbouring amenities, and conditions imposed would also protect neighbouring properties, from any potential disturbance in the future. Parking/Access is also acceptable subject to conditions.
- 10.5 The proposed use, would enable "Your Vets" to grow as a business, offering an upgraded facility securing its future, and offering scope for employment for local people, with eight full time and eight part time positions.
- 10.6 Therefore the proposal complies with relevant Black Country Core Strategy and Unitary Development Plan Policies, subject to conditions, and consequently, there is not considered to be any conflict between the proposal and the Development Plan or the National Planning Policy Framework., subject to conditions.

11. Recommendation

- 11.1 That planning application 11/01198/FUL be granted planning permission, subject to any appropriate planning conditions including the following:
- (vii) Matching Materials
 - (viii) Parking Areas (layout of disabled bay)
 - (ix) Cycle Parking (six staff)
 - (x) Opening Hours
 - (xi) Restriction of working hours during Construction Phase

- (xii) Restricted Servicing times
- (xiii) Details on Ventilation System/Control of Noise, vibration and odour
- (xiv) Acoustic Glazing Detail
- (xv) Maintenance of rear landscaping
- (xvi) Bin Storage

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



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Planning Application No: 11/01198/FUL

Location	The Warstones Inn, Warstones Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 388804 296172
Plan Printed	21.11.2012	Application Site Area	3530m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/01106/FUL

WARD:

Tettenhall Wightwick

RECEIVED: 14.09.2012

APP TYPE: Temporary Planning Permission

SITE: Castlecroft Play Area, Castlecroft Avenue, Wolverhampton

PROPOSAL: To install a single-storey Portakabin Limited Titan building to be used as a retail pharmacy for 3 years.

APPLICANT:

Mrs Kiran Dhaliwal
Medcare Pharm Ltd
18 Glassford Drive
Wolverhampton
WV6 9JH

AGENT:

Miss Lydia Parsons
Portakabin Ltd Total Solutions
Portakabin Ltd Total Solutions
The Drove
Bridgwater
Somerset
TA6 4AG

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is known as the Castlecroft Play Area which is located in a predominately residential area.
- 1.2 The Castlecroft Play Area on Castlecroft Avenue is split into two. Part of the land is fenced off with one metre high railings with play equipment. The other part is grassed recreational open space.
- 1.3 The Castlecroft Medical Centre and the Windmill Club for Young People are in close proximity to the proposed site.

2. Application Details

- 2.1 The proposed portakabin is to be used as a pharmacy for a temporary period of three years.
- 2.2 The portakabin is to be sited in the grassed area of the Castlecroft Play Area and would face onto Castlecroft Avenue.
- 2.3 The portakabin would be approximately 2.970 metres in height, 4.214 metres wide, 9.170 metres in length and a have floor area of 35.8 square metres.
- 2.4 The proposed opening hours are to be 08:00 to 23:00 hours Monday to Friday, 08:00 hours to 23:00 hours Saturday and 08:00 to 23:00 hours on Sunday and Bank Holidays.

3. Planning History

- 3.1 Adjacent site, 12/00381/FUL to install a single-storey Portakabin Limited Titan building to be used as a retail pharmacy for 3 years, granted on 27.06.2012

4. Constraints

- 4.1 Major Aquifer - Major Aquifer: Wombourne
- 4.2 Council Asset Register Entry - Asset Register -: Play area
- 4.3 Mineral Safeguarding Area

5. Relevant Policies

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

6. Environmental Impact Assessment Regulations 2011

- 6.1 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

- 7.1 110 representations have been received in total. 70 representations have objected to the proposal including a petition with 8. A petition with 32 signatures in support of the proposal has also been submitted.

The objections can be summarised as follows;

- There would be increased vehicular traffic in the area
- Parking problems
- Danger to pedestrian safety
- Loss of recreational open space
- There is already a pharmacy within the Castlecroft Local Centre
- No demand for the proposal
- Detrimental to residential amenity
- Over development of the site
- Undesirable precedent
- Detrimental to visual amenity
- Unsociable opening hours
- Temporary building would be prone to vandalism and burglary

8. Internal Consultees

- 8.1 **Environmental Health** – Potential for noise disturbance to nearby residents which may be created as a result of external plant such as condensers or generators being used to provide electricity to the cabin for air conditioning or refrigerators for the drug storage.
- 8.2 **Property Services - Estates** – No comments received.
- 8.3 **Transportation Development** – A large proportion of the pharmacy customers would park on the Medical Centre car park as they would be visiting the medical centre. The resultant increase in dwell time would place increased pressure on the already heavily subscribed parking arrangements for the Medical Centre. There would be a requirement for an acceptable level of dedicated parking in connection with the proposal to accommodate staff and customer vehicles.
- 8.4 **Parks** – The proposal will obstruct the view the of the play area. The location of the portakabin next to the fence around the play area may assist as a means to climb onto the building.

9. External Consultees

- 9.1 **West Midlands Police PC Ian Jones** – No objections.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications. (LD/13112012/W)

11. Appraisal

- 11.1 The key issues are: -
- Streetscene;
 - Design;
 - Amenity of neighbouring properties;
 - Appropriateness of location;
 - Parking provision.
- 11.2 The siting of the portakabin on the Castlecroft Play Area is considered to be unacceptable at this prominent location in the street. The portakabin would be out of character with the existing streetscene of permanent buildings. The proposal would not respond positively to the spatial character of the streetscene and surrounding area. The proposal is considered to be visually detrimental to the streetscene. The proposal is considered to be contrary to UDP policies D4 and D6.
- 11.3 The portakabin is considered to be of a mediocre design with poor quality detailing that would be unsuitable at this location. The mediocre design would not respond positively to the distinctiveness of the locality. All developments

should be of a high standard of design, including new build and building conversions. The proposal is considered to be contrary to BCCS policy ENV3 and UDP policy D9.

- 11.4 The spatial objectives of the Black Country Core Strategy are that Centres are the focus for retail and, commercial uses. The applicant has failed to demonstrate why a possible site within a defined centre has been discounted and therefore the proposal is contrary to BCCS policies CEN1, CEN2 and CEN6.
- 11.5 The proposed opening hours for the pharmacy are to be 08:00 to 23:00 Monday to Sunday and Bank Holidays. The proposal for a pharmacy opening these hours at this location, is likely to affect the amenity of the neighbouring properties in terms of increased vehicular activity and disturbance caused by customers visiting the pharmacy especially late into the evening and weekends, since it will not be possible for customers to use the car park at the Medical Centre as it will be closed. The Medical Centre closes at either 18:30 or 20:00 hours weekdays and is not open at all on weekends. It is considered that the A1 retail pharmacy use at this location is therefore unacceptable as it is incompatible with the residential uses in this predominately residential area. The proposal is contrary to UDP policy EP5.
- 11.6 The location of the proposal on the recreational open space is considered to be unacceptable as it would detract from the visual appearance of the remaining open space and make the children's play area less visible and less secure and so detract from the overall value of the recreation network in the Black Country. As such it is contrary to BCCS policy ENV6 and UDP Policy R3.
- 11.7 The means of transport used by the customer is likely to be by car, bicycle or by foot. However, there is no dedicated parking provision for cars, cycles or motor cycle parking. This is contrary to policy AM12: Parking and Servicing Provision.
- 11.8 Wolverhampton City Council aims to promote an accessible built environment to ensure that disabled people are not denied the opportunity to participate fully in all aspects of City life. Development, including parking where provided, must therefore meet the highest standards of accessibility and promote inclusion. There is no proposal for any dedicated disabled parking. As such the proposal is contrary to UDP policy D11.

12. Conclusion

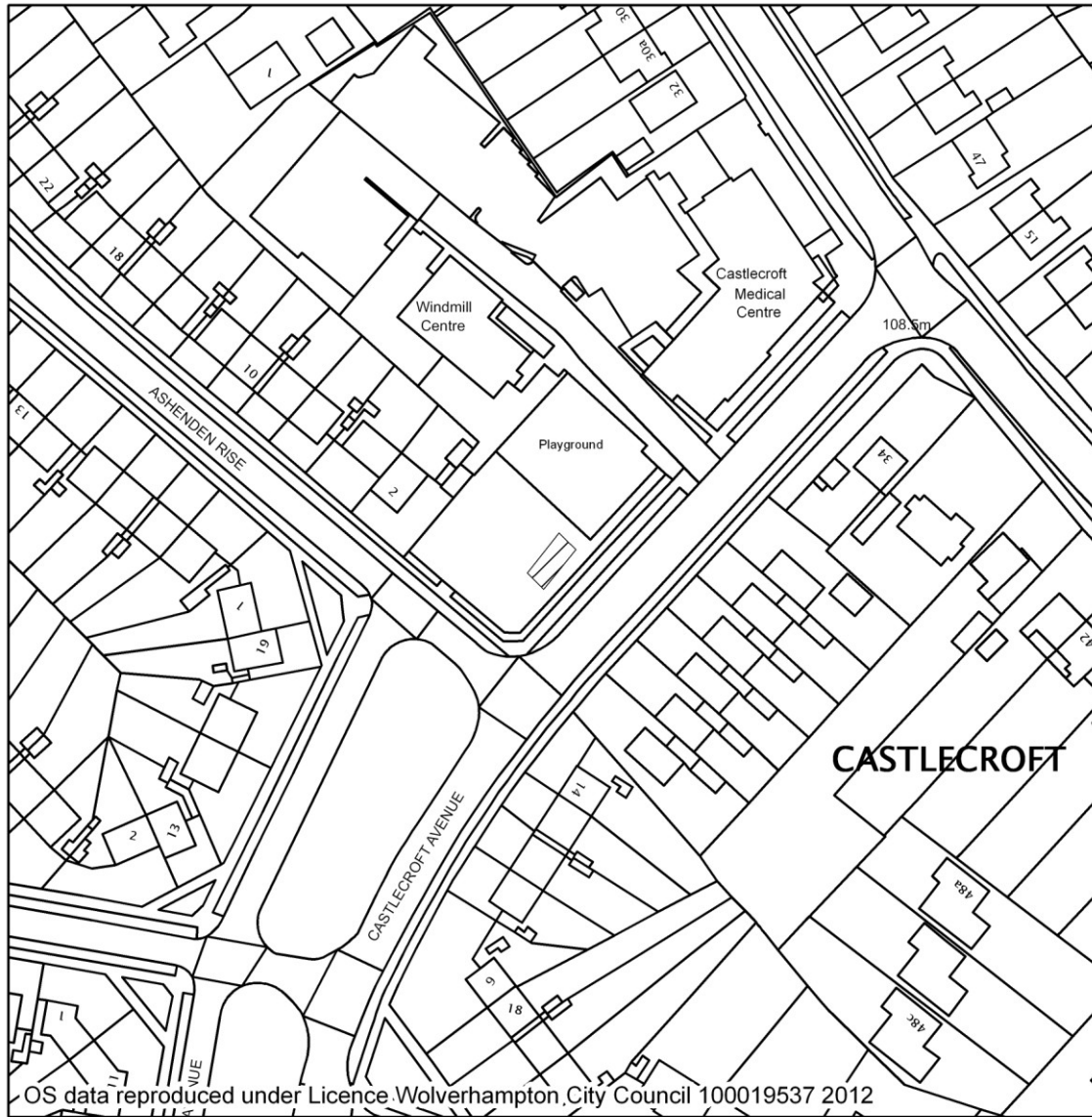
- 12.1 The proposed location of the portakabin which is to be used as a retail pharmacy is considered to be seriously detrimental to residential amenity in terms noise and disturbance from an increased vehicular activity. The location and mediocre design of the portakabin on this prominent location in the street is considered to be detrimental to visual amenity and is therefore unacceptable in the streetscene. The loss of Public Open Space would have an adverse effect on both the remaining recreational open space and the children's play facility. The A1 retail pharmacy use is considered to be a centre use and is not appropriate in the predominately residential location. The applicant has also failed to demonstrate why a defined centre location has been discounted.

13. Recommendation

That planning application 12/01106/FUL be refused for the following reasons-:

1. The design of the proposal is detrimental to visual amenity and is unacceptable in the streetscene, contrary to BCCS policy ENV3 and UDP policy D9.
2. The proposal would result in the loss of a major part of the existing area of public open space, to the detriment of the value of the remaining and would affect the visibility and the security of the children's play facility, and hence detract from the overall value of the recreation network in the Black Country. As such it is contrary to BCCS policy ENV6 & UDP Policy R3
3. The proposal is likely to affect residential amenity in terms of noise and disturbance from the increased vehicular activity, contrary to UDP policy EP5.
4. There is no dedicated parking for cars, cycles, motorcycles and disabled parking, contrary to UDP policy AM12.
5. The proposal constitutes a centre use in an out of centre location. As such the proposal is not in a sustainable location and the applicant has failed to demonstrate that there will not be a serious adverse effect on the vitality and viability of nearby centres. The proposal is contrary to BCCS Policies CEN1, CEN2 and CEN6.

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



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Planning Application No: 12/01106/FUL

Location	Castlecroft Play Area, Castlecroft Avenue, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387226 297949
Plan Printed	21.11.2012	Application Site Area	34m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/01249/FUL

WARD: St Peters

RECEIVED: 16.10.2012

APP TYPE: Full Application

SITE: Telecommunications Equipment On MK Block, University Of
Wolverhampton, Molineux Street, Wolverhampton

PROPOSAL: Addition of 1 no. 300mm microwave dish to existing installation

APPLICANT:

Vodafone
Vodafone Ltd
Vodafone House
The Connection
Newbury
RG14 2FN

AGENT:

Mr Alan Neale
Sitec Infrastructure Services Ltd
Building 7200
Cambridge Research Park
Beach Drive, Waterbeach
Cambridge
Cambridgeshire
CB25 9TL

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 seeks planning permission for the installation of a 300mm dish antenna to be placed on existing telecommunication equipment.

3. Planning history

- 3.1 A number of applications have been approved for the installation/replacement of telecommunication and radio equipment on the rooftop of the building.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

- 4.3 Other relevant policy documents:
Interim Telecommunications Policy

5. Environmental Impact Assessment Regulations

- 5.1 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 have been received.

7. Legal Implications

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

8. Appraisal

- 8.1 The key issues are:

- Principal of the development
- Character and appearance
- Perceived health issues

Principal of the Development

- 8.2 Advanced high quality communications infrastructure is essential for sustainable economic growth. The development of telecommunication technology plays a vital role in enhancing the provision of local community services and facilities. The improvement of the telecommunications network is supported by both the NPPF and local planning policies. Consequently providing it can be demonstrated the installation is necessary, is appropriately designed and sensitively sited the development is acceptable in principle.

Siting and Appearance

- 8.3 The information submitted with the application states that the additional dish is required to improve network capacity and provide a more robust link in the transmission facilities, ensuring that signals from this site can be effectively relayed to the rest of the network.
- 8.4 The subject building is the eight storey high MK block situated within the campus of Wolverhampton University. The roof of the building already has an extensive array of telecommunications and radio equipment sited upon it. Due to the height of the application building and the size of the proposed dish the development will have no adverse impact on the character of the area or the appearance of the street scene.

Perceived Health Issues

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

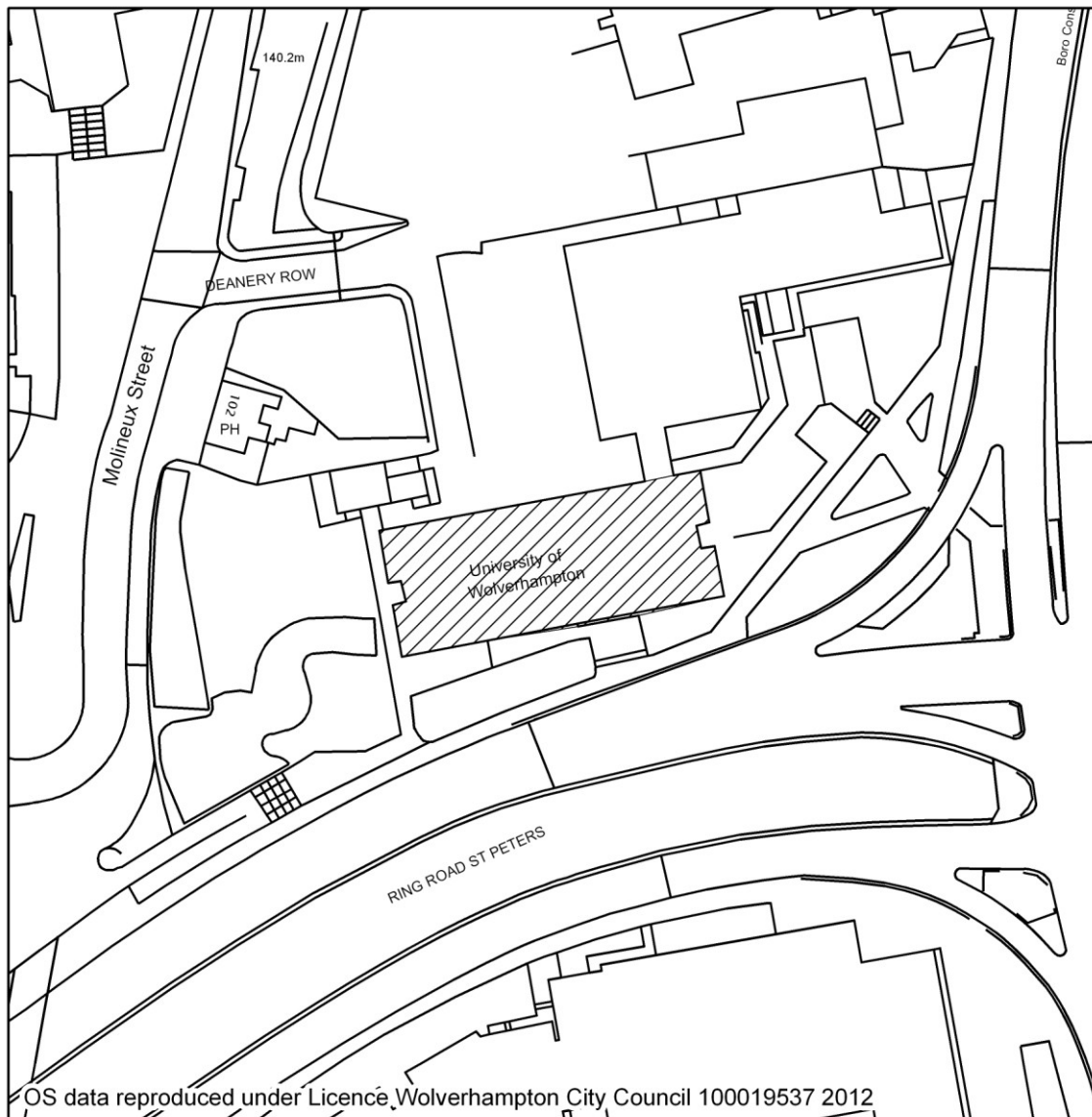
9. Conclusion

- 9.1 The applicant has demonstrated there is a need for the additional dish to improve network output. As the site already has an extensive range of telecommunications equipment on the rooftop of the building, the site is considered to be acceptable. Due to the size of the dish and its siting on the roof of the building there will be no adverse effect on the character and appearance of the area. The proposal is therefore compatible with UDP policies D4, D6, D9, EP20 and BCCS policies CSP4 and ENV3 and the Council's Interim Telecommunications Policy.

10. Recommendation

- 10.1 That planning application 12/01249/FUL be granted.

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



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Planning Application No: 12/01249/FUL

Location	Telecommunications Equipment On MK Block, University Of Wolverhampton, Molineux Street, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391414 299081
Plan Printed	21.11.2012	Application Site Area	1191m ²

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/00924/VV

WARD:

Bushbury South And
Low Hill

RECEIVED: 08.08.2012

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

SITE: 3 Raynor Road, Wolverhampton, WV10 9QY

PROPOSAL: 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.

APPLICANT:

Mr Balbir Ghateaura
8 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 building is situated within a parade of commercial premises in the Fallings Park District Centre. The parade contains two other hot food takeaways. Both hot food take-away businesses have unrestricted hours of opening and one premises currently opens until 00:30 hours on Friday and Saturday evenings. Adjacent to the premises is a pharmacy and a dwellinghouse is situated to the rear, 2A Mandale Road.
- 1.2 The premise currently extracts its cooking odours through a low level vent to the rear of the building.

2. Application details

- 2.1 This application was reported to Planning Committee at its meeting on 6th November 2012. The decision was taken to defer the application to allow Committee members to visit the site.
- 2.2 The application has been made to vary the hours of opening and for the installation of an external flue to replace a low level extraction system and vent.
- 2.3 The premises are currently conditioned to open as follows;

*Monday to Saturday 0800 to 2100 hours
Sundays and Bank/Public Holidays - Closed*

2.4 Permission is sought to extend the opening hours as follows;

Monday to Saturday 0800 to 2300 hours

2.5 The flue would be located to the rear of the premises, attached to the existing chimney breast. It would extend approximately two metres above the eaves.

2.6 An application for an extension of hours was previously refused at Planning Committee and dismissed on appeal.

3. Planning History

3.1 09/00179/FUL for Change of use from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway) - Granted, dated 10.11.2009.

3.2 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. Appeal Dismissed 05.10.2011

3.3 12/00749/FUL for Erection of new shop (Use Class A1 Retail) to create an additional unit - Granted, dated 08.10.2012.

4. Relevant Policies

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5. Environmental Impact Assessment Regulations

5.1 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 letter of representation received. This objected to the proposal on the following grounds;

- Proximity to residential dwelling
- Inadequate parking
- Cooking odours
- Flue visually obtrusive
- No respite on Sundays and Bank/Public holidays

- 6.2 A request has been made by the Deputy Leader of the Council that this application be considered by the Planning Committee due to its planning history.

7. Internal Consultees

- 7.1 Environmental Health – The service has received several complaints relating to cooking odours, litter and premises opening outside of the permitted hours. The odour emitted from the premises causing disturbance to nearby neighbours was believed to be due to the low level vent, it is anticipated that the fitting of the flue regular maintenance and cleaning of a new flue would reduce the disturbance from odours.
- 7.2 The history of cooking odours problems at the premises was such that the extension to the opening hours was refused on appeal. The provision of the external extract flue must therefore be fitted prior to the extension of the hours being granted. It is also strongly advised that the odour is monitored once the flue is fitted prior to granting the extension of hours.

8. Legal Implications

- 8.1 The application is made under Section 73 of the Town and Country Planning Act 1990 and is therefore an application “*for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted*”. If the proposed condition is acceptable, in this case to extend the opening hours of the take away, permission should be granted with the new condition and any conditions on the original permission, which remain relevant and any other conditions required that would make the proposals acceptable. LD/19112012/Q

9. Appraisal

- 9.1 The key issues are: -

- Impact on residential amenity
- Character and appearance

Impact on residential amenity

- 9.2 An application to vary the hours of opening for the subject premises was made in 2010. This was refused and dismissed on appeal. In the decision the inspector concluded that the occupiers of 2A Mandale Road already suffered from cooking odours and therefore extending the hours of opening would prolong this occurrence. The appeal was dismissed because of the adverse impact cooking odours were having on residential amenity.
- 9.3 The proposed installation of a new external flue seeks to address the level of disturbance suffered by the occupiers of 2A Mandale Road in terms of cooking odours. It is anticipated that the installation of the flue and its regular maintenance would reduce the level of disturbance suffered by cooking odours. It is therefore considered that the flue should be installed before an extension of

the opening hours is agreed. It is recommended that a condition is applied restricting the extension of opening hours until the flue has been installed.

- 9.4 In the inspectors appeal decision consideration was given to the potential for noise disturbance from an extension of opening hours. It was concluded that although the takeaway would create some additional noise by opening later into the evening this would be against the existing background noise of traffic and other street activity on Raynor Road and Cannock Road. Therefore in this context the additional noise created would not be excessive and would generally be limited.
- 9.5 The inspector also concluded that the proposed extension of hours may result in additional on-street parking but that this would not amount to a highway safety problem for drivers or pedestrians. In terms of noise disturbance and highway safety it is not considered that any of these circumstances have changed to warrant drawing an alternative conclusion to that made by the Planning Inspector.
- 9.6 Presently there is adequate space for the storage of refuse, however planning permission (12/00749/FUL) has been granted for an extension to 3 Raynor Road to create a new retail (use class A1) unit. As part of this permission an area for the storage of bins has been identified to serve both premises.
- 9.7 Subject to the inclusion of a condition requiring the installation of the flue to the satisfaction of the Local Planning Authority before the premises can extend the hours of opening, the proposal would be satisfactory in respect of UDP policy EP5, SH14 and AM15.

Character and appearance

- 9.8 The flue has been located to the rear of the premises and would not be visible from the public realm. The flue would follow the line of the chimney breast extending up the rear elevation of the building. It is acknowledged that the flue would be visible from the rear of 2A Mandale Street. However it is not considered that it would unduly impact on visual amenity to an unacceptable degree. Despite this it is recommended that the flue is painted a dark colour to improve its appearance. This detail can be conditioned. On this basis the proposal is satisfactory in respect of UDP policy D8 and D9.

10. Conclusion

- 10.1 The proposed installation of the flue would reduce the level of disturbance suffered by the occupiers of 2A Mandale Road in terms of cooking odours.
- 10.2 It is considered that the proposed extension of opening hours in this existing centre location, would not lead to a significant degree of disturbance that would harm residential amenity to an unacceptable degree nor adversely impact on highway safety.
- 10.3 The proposed flue would be satisfactorily located to the rear of the building away from public view. Although visible from the rear of 2A Mandale Road its appearance would not adversely impact on visual amenity to an unacceptable degree. Nevertheless it shall be conditioned that the flue is painted a dark

colour to reduce its visual prominence and installed prior to extension of opening hours being implemented.

11. Recommendation

11.1 That Planning Application 12/00924/VV be granted subject to all previous and relevant conditions relating to planning approval 09/00179/FUL and the following conditions;

- Extended opening hours 0800-2300 hours Monday to Saturday subject to the flue being installed and operational and confirmed in writing by the local planning authority. With such written authority also agreeing to the commencement of the extended opening hours;
- Flue to be painted a dark colour

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

PLANNING COMMITTEE - 04-Dec-12

APP NO: 12/01279/FUL

WARD: Graiseley

RECEIVED: 18.10.2012

APP TYPE: Full Application

SITE: Bradmore Working Mens Club, Church Road, Bradmore,
Wolverhampton

PROPOSAL: Replacement of existing antennas and addition of a 3900A BTS
equipment cabinet

APPLICANT:
Everything Everywhere _ H3G UK Ltd
C/O WHP

AGENT:
Mr Damian Hosker
WHP Wilkinson Helsby
The Ponderosa
Scotalnd Lane
Horsforth
Leeds
LS18 5SF

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is the Bradmore Working Mens club situated on the western side of Church Road, Bradmore. The building is set back from the building line of the adjacent properties with a boundary wall and railings to part of the front boundary. To the front of the building is provision for car parking.
- 1.2 The area is characterised by predominantly residential properties which are terraced and semi-detached. In close proximity to the application site are commercial properties which are situated to the north-east.

2. Application details

- 2.1 The proposal is for the replacement of existing antennas and the addition of a 3900A BTS equipment cabinet to provide enhanced coverage for Everything Everywhere in this part of Wolverhampton to improve coverage for 3G.
- 2.2 The antennas are similar in size and design with the new ones being combined GSM/UMTS antennas and the equipment cabinet measures 600mm x 480mm x 1600mm in height and is to be painted in a brick effect.

3. Planning History

- 3.1 10/00290/FUL for Removal of existing 6 metre high O2 flag pole to be replaced with a 6.5 metre high shared O2 and Vodafone flag pole mast housing 6 no. antennas, equipment cabinet and ancillary thereto.

Granted dated 09.06.2010.

4. Constraints

- 4.1 Locally Listed Building
Mining Advice Area
Landfill Gas Zone

5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 5.3 Interim Telecommunications Policy

6. Environmental Impact Assessment Regulations

- 6.1 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 were received at the time of writing this report.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. LM/16112012/S

9. Appraisal

- 9.1 The key issues are: -

- Principle of the Development
- Character and Appearance
- Perceived Health Issues

Principle of the Development

- 9.2 Advanced high quality communications infrastructure is essential for sustainable economic growth. The development of telecommunication technology plays a vital role in enhancing the provision of local community services and facilities. The improvement of the telecommunications network is supported by both the NPPF and local planning policies. Consequently,

providing it can be demonstrated that the installation is necessary, appropriately designed and sensitively sited, the development is acceptable in principle.

Character and Appearance

- 9.3 The information submitted with the application states that the replacement and installation of equipment is required 'purely to upgrade "refresh" this existing installation with new equipment to facilitate improved coverage.' It further states that "the building is locally listed however, given the extremely minor nature of the upgrade, the building will remain unaffected by this upgrade."
- 9.4 Telecommunications equipment currently exists at the building and the proposal primarily seeks to replace existing antennas with new ones and install of an additional 3900A BTS equipment cabinet. Taking into consideration the position of the building in the street scene, neighbouring properties being a reasonable distance from the building and the minimal impact of the proposal on the locally listed building, the proposal is considered to be hardly noticeable and will not adversely affect the character and appearance of the locally listed building, visual amenities or the skyline and is considered to be acceptable.

Perceived Health Issues

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

10. Conclusion

- 10.1 The proposed development is to primarily upgrade existing telecommunications equipment on the building. Taking into consideration the proposal which seeks to replace existing antennas for new ones and install of an additional equipment cabinet, the development will not adversely affect the setting of the locally listed building, neighbour amenities, visual amenities or the skyline. The proposal is considered to be in accordance with UDP policies D4, D6, D7, D8, D9, EP20, HE19 and BCCS policies ENV2, ENV3, CSP4 and the Council's Interim Telecommunications Policy.

11. Recommendation

- 11.1 That the Interim Director for Education and Enterprise be given Delegated Authority to grant planning application 12/01279/FUL, subject to any necessary conditions and the expiry of neighbour consultation period.

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



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Planning Application No: 12/01279/FUL

Location	Bradmore Working Mens Club, Church Road, Bradmore, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 389463 297268
Plan Printed	21.11.2012	Application Site Area	670m ²