

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 5th February 2013
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 (5th February 2013)

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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 - 05-Feb-13

APP NO: 12/01241/FUL

WARD: East Park

RECEIVED: 12.10.2012

APP TYPE: Full Application

SITE: Land North Of Junction With New Street And Vernon Close And Land Between New Street And South Street, Portobello, Wolverhampton

PROPOSAL: Hybrid application including: Full Application for a Nursing Care Home, including highway works, car parking and amenity space. Outline application for a General Practitioners Surgery, Pharmacy and a Supermarket, including car parking (Layout and Access are submitted for approval at this stage).

APPLICANT:

Ms Jackie Wellings
Heantun Housing Association
3 Wellington Road
Bilston
WV14 6AA
England

AGENT:

Mr David Davis
DJD Architects
2 St Oswald's Road
Worcester
Worcestershire
WR1 1HZ

COMMITTEE REPORT:

1. Background

1.1 This application was reported to Planning Committee on 8th January 2013. Committee deferred a decision to allow the applicants to consider a revised proposal, including housing on the southern part of the site, proposed for a GP surgery, pharmacy and a supermarket.

2. Site Description

2.1 This vacant 1.4 ha site is in a prominent 'gateway' location, adjacent to the traffic island between A454 Willenhall Road, New Road and the Keyway. It is in two parts, separated by New Street.

2.2 It was formerly occupied by two tower blocks and a small parade of shops with flats above. The surrounding area is predominately residential. A public footpath (FP392) crosses the northern area from east to west, linking Millichip Road to a spur of New Street.

3. Application Details

3.1 The application is a 'hybrid' - part full, part outline. 'Full' permission is sought on land to the north of New Street, for a two and three storey, 66 bedroomed care home for the elderly. The part of New Street that crosses the northern area would be closed. The public footpath would be diverted to allow for the new care home.

- 3.2 'Outline' permission is sought on the land south of New Street, for a GP surgery, pharmacy and a deep discount food supermarket. Details of access and layout are submitted for approval at this stage. All other matters of detail will be the subject of a subsequent 'reserved matters' application.
- 3.3 Twenty seven car parking spaces are proposed for the care home, 13 spaces for the GP surgery and pharmacy and 106 spaces for the supermarket. Two spaces would be provided for the existing 'Pole Position' car repair business which adjoins the site off South Street. An informal arrangement is proposed whereby customers of that business would also be permitted to use the supermarket car park. The public right of way that connects New Street to South Street is to be diverted to allow for the creation of the new vehicular access.

4. The Applicant's Case in Support of the Application

- 4.1 The applicant has declined to amend the proposal in response to Committee's request, but makes the following case in support of the application:
- The care home will include essential, modern 'step-down' accommodation for older people who have been discharged from hospital but are not able to return home or who require adaptations to their homes before they can return to independent living. This form of accommodation is in high demand and there is little provision of it within Wolverhampton. In addition, there is a high demand for modern care facilities for people suffering from dementia. This care home proposal would significantly improve the level and standard of dementia care provision in this part of the City.
 - The care home would not be financially viable without the GP surgery, pharmacy and supermarket and so couldn't be provided.
 - The unsuccessful marketing of the site for housing was a key consideration for putting forward a mixed use scheme, including a GP surgery, pharmacy and supermarket, as it demonstrates there is no market demand for a housing only scheme.
 - Housing is not financially viable because:
 - Power cables run through site – cost of diverting prohibitive.
 - High cost to remediate the land for housing development.
 - Electricity sub-station prohibits development of housing at head of Brickklin Street.
 - Noise from Keyway junction means that housing would not be attractive to buyers.
 - The existing medical practice on Dilloways Lane is in danger of having its lease not renewed and may close, to the detriment of the local community. The proposed GP surgery and pharmacy would ensure the long-term presence of state-of-the-art medical facilities in this location.
 - Proposals are in accordance with the Council's Planning Guidelines
 - Redevelopment of long-standing derelict site, at gateway location.
 - £20 million investment and 60 jobs.

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)
- 5.3 Portobello – Planning Guidelines (informal guidelines for marketing purposes).

6. Environmental Impact Assessment Regulations

- 6.1 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.

7. Publicity

- 7.1 One letter of support received from Bromford Housing. They say their residents, who reside at the adjacent St Alban’s Court, are very excited about the prospect of this derelict and overgrown site, which has attracted anti-social behaviour, being redeveloped.
- 7.2 Thirty letters and a petition containing 274 signatures objecting to the proposals have been received. The following concerns were raised:
- Sufficient existing retail, GP surgery and pharmacy provision
 - Prefer affordable housing/care homes on southern site
 - Unacceptable pedestrian visibility when crossing New Road
 - Dilloways Lane is not wide enough for lorries
 - Insufficient traffic impact information provided
 - Detrimental to highway safety
 - Loss of visual/residential amenity
 - Noise/air pollution
 - Result in anti-social behaviour

8. Internal Consultees

- 8.1 **Environmental Health/Trees/Ecology/Landscape/Transportation** – No objections.

9. External Consultees

- 9.1 **Coal Authority and Environment Agency** – No objections subject to implementation of the recommendations of the Coal Mining Risk Assessment and the Flood Risk Assessment.
- 9.2 **Walsall MBC** – Object. Retail development would not be appropriate at this out of centre location. The Transportation Assessment does not demonstrate that there would not be an unacceptable impact on highway safety and the proposals are contrary to the BCCS and NPPF.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/23012013/G).

11. Appraisal

- 11.1 The key issues are:
- Regeneration
 - Principle of the proposed uses
 - Loss of recreational open space
 - Design
 - Access
 - Neighbour amenity
 - Public Right of Way

Regeneration

- 11.2 This site was cleared of the flats and shops in 2012. The site was unsuccessfully marketed in 2007 and 2010. It was remarketed again in August 2011 and Heantun were chosen as the preferred bidder. They are now under a formal Development Agreement (exchanged April 2012) to bring forward the development.
- 11.3 In view of the lack of developer interest in the site it seems likely that the current proposal offers the only hope of seeing the site developed in the foreseeable future. The proposal would bring the benefits of a care home, jobs and inward investment.

Principle of the Proposed Uses

- 11.4 **Care Home for the Elderly** - The site is an allocated housing site where BCCS policies HOU1, HOU2, and UDP policy H12 apply. A care home for the elderly is also a residential use and so the proposed use is acceptable.
- 11.5 **GP Surgery** – New local health services should be located within a Centre. However, the site is well related to public transport infrastructure, has good accessibility to neighbourhood services and amenities and the proposal combines a mix of related uses on a single site. As there are no suitable centre, or edge of centre sites available, the proposal is acceptable and accords with BCCS policy HOU5.
- 11.6 **Pharmacy** - Retail impact tests (BCCS CEN7) are not required for a pharmacy because it would be complementary to the GP surgery and would be unlikely to cause a significant adverse impact on the overall vitality and viability of any nearby Centres. It would meet the criteria and be acceptable in terms of BCCS policy CEN6 if the floor area is restricted to 200sqm gross.
- 11.7 **Supermarket** - The size of the supermarket, (over 200sq.m gross), and it's out of centre location means that BCCS Policy CEN7 requires a demonstration that the impact on the vitality and viability of any nearby centre would not be unacceptable and that there are no sequentially preferable sites, as outlined in the NPPF. It has been shown that it would not cause any significantly adverse impacts on any

nearby centre, particularly Willenhall District Centre in Walsall and that there are no sequentially preferable sites. Therefore, subject to conditions restricting the types of goods to be sold, removing permitted development rights for mezzanine floors, future sub-division and defining the sales areas, to protect existing retail provision, the proposals are acceptable and accord with BCCS Policy CEN7 and the NPPF.

Loss of Recreational Open Space

- 11.8 The development would encroach onto a 20m wide tree buffer along the eastern boundary of the site adjoining the Keyway, which is designated as public open space. The trees were planted to screen the Keyway from housing previously on the site. The landscape buffer is no longer required and the area has no functional purpose as recreational open space. It would not therefore be reasonable to require a compensatory payment (UDP policy R3) for the loss.

Design

- 11.9 The buildings would respond positively to the gateway location, successfully emphasising its prominence and importance, relating well with existing development. The proposals are in accordance with UDP policies D5, D6, D7, D8, D9, D10, H12 and BCCS policies ENV2 and ENV3.

Access

- 11.10 Sufficient car parking and satisfactory servicing arrangements are proposed. Subject to a condition to secure highway improvements, to include appropriate surface treatment, signage and road markings along New Street the proposals are in accordance with UDP policies AM12, AM15 and BCCS policies TRAN2 and TRAN4.

Neighbour Amenity

- 11.11 The development would not result in any loss of sunlight to principal rooms or gardens of neighbouring properties, because of the intervening distance.
- 11.12 Noise from the supermarket can be kept within acceptable limits by restricting hours of opening, deliveries and collections to:

Supermarket opening hours

- 0800 hrs to 2000hrs on Mondays to Saturdays
- 1000 hrs to 1600hrs on Sundays and Bank Holidays

Supermarket Delivery Hours

- 0800 hrs to 1800hrs on Mondays to Saturdays
- 1000 hrs to 1600hrs on Sundays and Bank Holidays

- 11.13 The precise detail of servicing and refuse arrangements can be specified in a written strategy which can be required by a planning condition.
- 11.14 A condition is recommended requiring approval of plant and machinery.
- 11.15 Subject to conditions, the proposal would not have an unacceptable impact on neighbour amenity and would be in accordance with UDP policies EP1 and EP5 and BCCS policy ENV8.

Public Right of Way Diversion

- 11.16 The proposed route of the diverted public right of way is acceptable as it would follow a more safe and secure route across the site.

12. Summary

- 12.1 The applicant has declined to amend the application to substitute housing for the proposed GP surgery, pharmacy and supermarket, on the grounds that such a development would not be financially viable. Marketing evidence supports this view and it seems likely that the current proposal offers the only hope of seeing the site developed in the foreseeable future.
- 12.2 The proposal would bring the benefits of a care home, jobs and inward investment. There are not sufficient grounds to refuse the application.

13. Conclusion

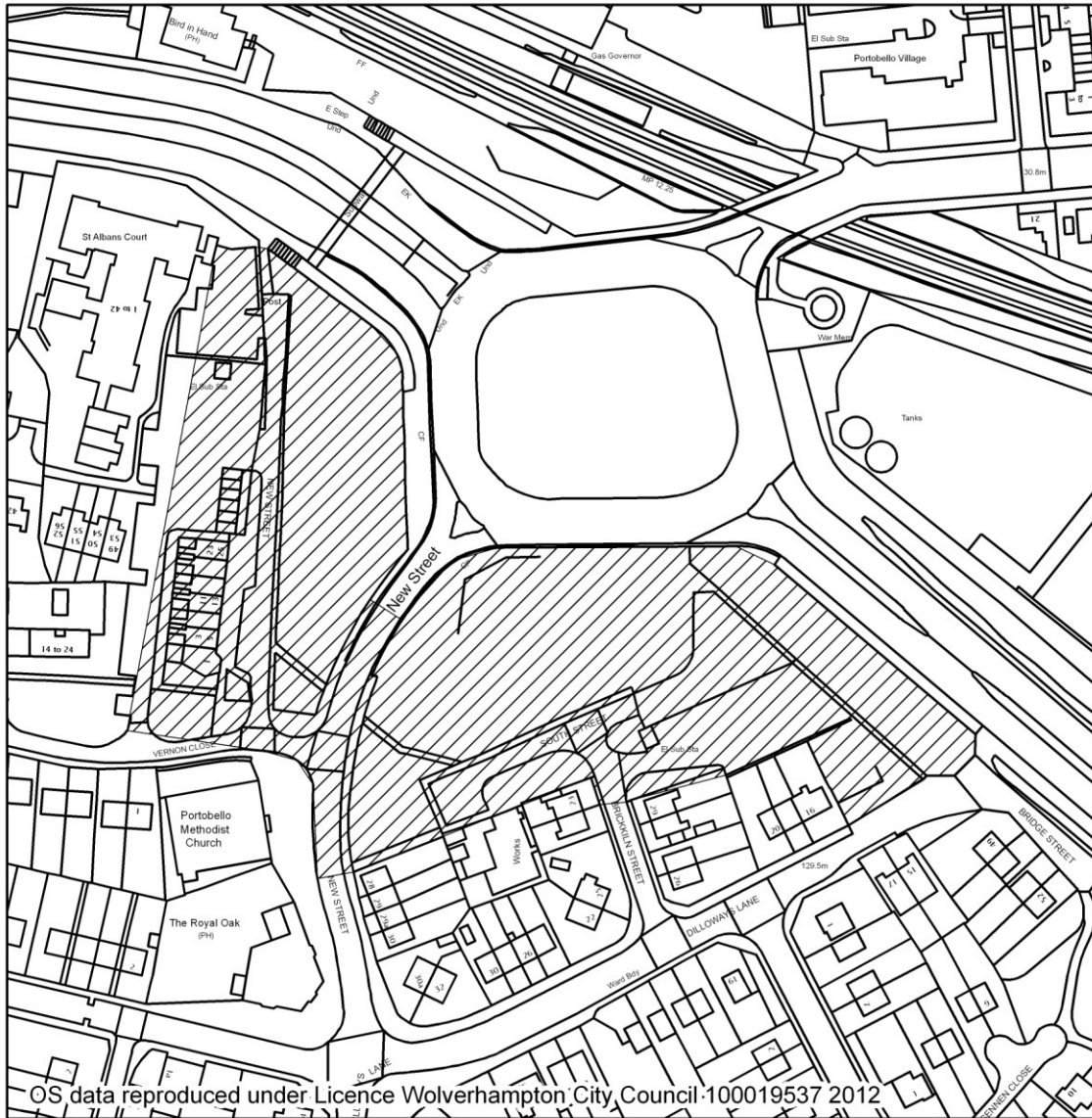
- 13.1 Subject to conditions as recommended, the development, including General Practitioners Surgery, Pharmacy and a Supermarket, would be acceptable and in accordance with the development plan.

14. Recommendation

- 14.1 That planning application 12/01241/FUL be granted subject to the following conditions:
- Standard outline conditions (outline)
 - Materials (full)
 - Implement the recommendations of the flood risk assessment
 - Implement the recommendations of the habitat survey
 - Implement the recommendations of the mining report
 - Ground remediation
 - Existing and proposed levels
 - Waste Management Plan
 - Landscaping implementation
 - Boundary treatments
 - 10% renewable energy
 - Supermarket:- No mezzanine floors/ no sub-divisions into smaller units/limit to deep discount retailer and net internal sales area not to exceed 990sqm, net internal sales area used for the display and sale of comparison goods not to exceed 150sqm
 - Pharmacy only to be used as such and not for general retail use
 - Pharmacy to be no more than 200sq.m
 - Supermarket hours of opening and deliveries
 - Details of plant and machinery
 - No external shutters/obscuring of shop front windows
 - Parking to be provided and retained
 - Measures to preserve neighbour amenity during construction
 - Servicing and refuse store details
 - Cycle / motorcycle parking

- Targeted recruitment and training
- Travel Plans for supermarket and care home
- Highway improvements, to include appropriate surface treatment, signage and road markings along New Street
- No external storage for supermarket
- Sound attenuation fence along the Bridge Street, Dilloways Lane boundary and along the eastern boundary of 16 Dilloways Lane External Lighting
- Care Home: Habitable rooms acoustic insulation

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



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Planning Application No: 12/01241/FUL

Location	Land North Of Junction With New Street And Vernon Close And Land Between New Street And South Street, Portobello, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 395453 298269
Plan Printed	23.01.2013	Application Site Area	17282m ²

PLANNING COMMITTEE - 05-Feb-13

APP NO: 11/01047/FUL

WARD: Ettingshall

RECEIVED: 07.11.2011

APP TYPE: Full Application

SITE: 578 Parkfield Road And Land To The Rear Of 578, Parkfield Road,
Wolverhampton

PROPOSAL: Proposed part demolition of 578 Parkfield Road and the creation of two flats and two bungalows

APPLICANT:

Mr Kal Jakhu
P & R Engineering Ltd
Unit 51 Cable Street
Wolverhampton
WV2 2HX

AGENT:

Mr Mike Coleman
Mike Coleman And Associates
317A Dudley Road
Wolverhampton
WV2 3JY

COMMITTEE REPORT:

1. Site Description

1.1 The site includes an end terrace house on Parkfield Road. A narrow access road leads to a cleared site at the rear. The cleared site has been vacant for many years and has no known previous use. It is enclosed on all sides by the rear gardens of surrounding houses.

2. Application Details

2.1 Two first floor flats would be formed by converting the first floor of 578 Parkfield Road and extending across the rear access way. The ground floor of 578 Parkfield Road would be partly demolished to create a wider vehicular access. A vehicle turning area and a car parking space would be provided to the rear. Shared amenity space and bin storage would also be to the rear.

2.2 Two bungalows would be erected on the cleared land to the rear. Each bungalow would have designated car parking spaces and more than adequate private amenity space.

3. Planning History

3.1 **08/00274/FUL.** Erection of three dormer bungalows. Refused 19.05.2008.

4. Constraints

4.1 Authorised Processes
Mineral Safeguarding Area

Landfill Gas Zones
Mining Referral 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)
- 5.3 Wolverhampton's Supplementary Documents
SPG3 – Residential Development

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 Five representations received including a petition containing 56 signatures and a verbal objection from Councillor Sandra Samuels. The following objections have been made:
 - Unacceptable parking and access arrangements resulting in a danger to pedestrian and vehicular safety
 - Encourage anti-social behaviour
 - Unacceptable disturbance during construction phase
 - The land includes mineshafts and the proposals may cause land subsidence.
 - Noise disturbance, loss of privacy and security
 - Detrimental impact upon wildlife

8. Internal Consultees

- 8.1 **Transportation/Environmental Protection** – No objection subject to conditions relating to cycle, refuse storage, boundary treatments, hours of operation during construction and demolition phase, noise insulation for windows facing onto Parkfield Road and contaminated land remediation.

9. External Consultees

- 9.1 **Fire Officer** - No objection subject to use of a sprinkler system.

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/22012013/O).

11. Appraisal

- 11.1 Key issues:

- Principle of Residential Development
- Design, Layout and Appearance
- Access and Parking
- Residential Amenity

Principle of Residential Development

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

Design, Layout and Appearance

- 11.3 The scale and massing of the proposed bungalows would be in keeping with surrounding development. The layout of the bungalows, with each bungalow set in its own plot would be appropriate. External appearance is satisfactory.

- 11.4 The proposed alterations and extensions to 578 Parkfield Road, to create two new flats and widen the access, would be in keeping with the character and appearance of this row of houses.

- 11.5 The proposed design, layout and appearance of the development proposals 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

- 11.6 The proposed access and parking arrangements are acceptable. The proposals are therefore in accordance with UDP policies H6, AM12, AM15, and BCCS policy TRAN2.

Residential Amenity

- 11.7 The position of the bungalows respects the privacy, daylight and outlook from adjacent dwellings as well as providing for the amenities of future occupiers. Each of the bungalows would be positioned sufficiently away from adjoining housing such that there would be no unacceptable overlooking.

- 11.8 The private amenity areas are of sufficient size to support the proposed dwellings.

- 11.9 The proposals are in accordance with UDP policy H6 and SPG3.

12. Conclusion

- 12.1 The development proposal would make use of long standing vacant land, bringing forward much needed good quality residential accommodation and creating jobs during the construction phase.

- 12.2 The design of the scheme is acceptable and the proposals would positively contribute to improving the character of the area.
- 12.3 The transport impacts of the development are acceptable.
- 12.4 The residential amenities of existing residents, in terms of outlook, noise, privacy and daylight, are preserved, and the impact in residential terms would be acceptable.

13. Recommendation

- 13.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 11/01047/FUL subject to:
1. The receipt of a satisfactory Coal Mining Risk Assessment
 2. Any necessary conditions to include:
 - Drainage
 - Levels
 - Landscaping and Boundary treatments (including details of retaining wall)
 - Provision and retention of car parking
 - External materials
 - Cycle stores
 - Bin stores
 - Operational hours during demolition and construction
 - Remove permitted development for extensions (including dormer roof extensions)
 - Sprinkler system
 - Contaminated land remediation
 - Access from Parkfield Road to be widened prior to the commencement of works to construct the bungalows
 - Noise insulation for windows facing onto Parkfield Road

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



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Planning Application No: 11/01047/FUL

Location	578 Parkfield Road And Land To The Rear Of 578, Parkfield Road, Wolverhampton,		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 392765 296498
Plan Printed	23.01.2013	Application Site Area	835m ²

PLANNING COMMITTEE - 05-Feb-13

APP NO: 12/00934/FUL

WARD: Ettingshall

RECEIVED: 21.12.2012

APP TYPE: Full Application

SITE: F A Gill Factory, Parkfield Road, Wolverhampton

PROPOSAL: Single storey structure for vehicle wash

APPLICANT:

Mr Charles Gill
FA Gill Limited
Parkfield Road
Wolverhampton
WV4 6EH

AGENT:

Mr Leon Armstrong
Mosaic Planning
Lowry House
17 Marble Street
Manchester
M2 3AW

COMMITTEE REPORT:

1.1 The site is part of the large F A Gill site located between Parkfield Road, Dimmock Street and Birmingham New Road.

2. Application Details

2.1 A single storey portable building is proposed for the washing of livestock vehicles. It would be 20m long, 5m wide and 6m tall, positioned within the rear yard and screened behind a high Leylandii hedge and close to the Dimmock Street access.

2.2 This proposal follows resident complaints that the outdoor cleaning of livestock vehicles results in unacceptable smells and spray over-spilling onto private gardens. It is also a response to EU legislation, which requires abattoir's to provide on-site, enclosed vehicle washing facilities.

3. Planning History

3.1 Single storey structure for livestock vehicle wash. Granted 08.05.2003.

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. Publicity

- 5.1 Three letters of objection received. Comments raised as follows:
- Inappropriate use of site
 - Unacceptable smells and odours
 - Detrimental to residential amenity

6. Internal Consultees

- 6.1 **Transportation and Environmental Health** – No objections.

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. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 The EU legislation referred to in paragraph 2.2 is Regulation (EC) 853/20046 which lays down specific hygiene rules for food of animal origin. Annex III: Specific Requirements Chapter II: Requirements for slaughterhouses Paragraph 6 states that there must be a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock. However, slaughterhouses need not have these places and facilities if the competent authority so permits and official authorised places and facilities exist nearby KR/24012013/K.

9. Appraisal

- 9.1 An enclosed vehicle washing facility would be an improvement on the existing outdoor vehicle washing activities at the site, and is likely to result in less odour, noise and general disturbance to neighbours. It would be 35 metres from the rear gardens of the nearest houses on Sharon Close and because it is to be positioned behind a very wide and high Leylandii hedge, would be out of general view from those houses.
- 9.2 Planning permission was granted for an identical facility elsewhere within this same yard area, closer to adjoining residential properties, in 2003. But this consent was never installed.
- 9.3 As the vehicles to be washed down already visit the site, there is no additional traffic impact.

9.4 Subject to conditions, the proposal would not have an unacceptable impact on neighbour amenity and would be in accordance with UDP policies EP1, EP5 and BCCS policies ENV8.

10. Conclusion

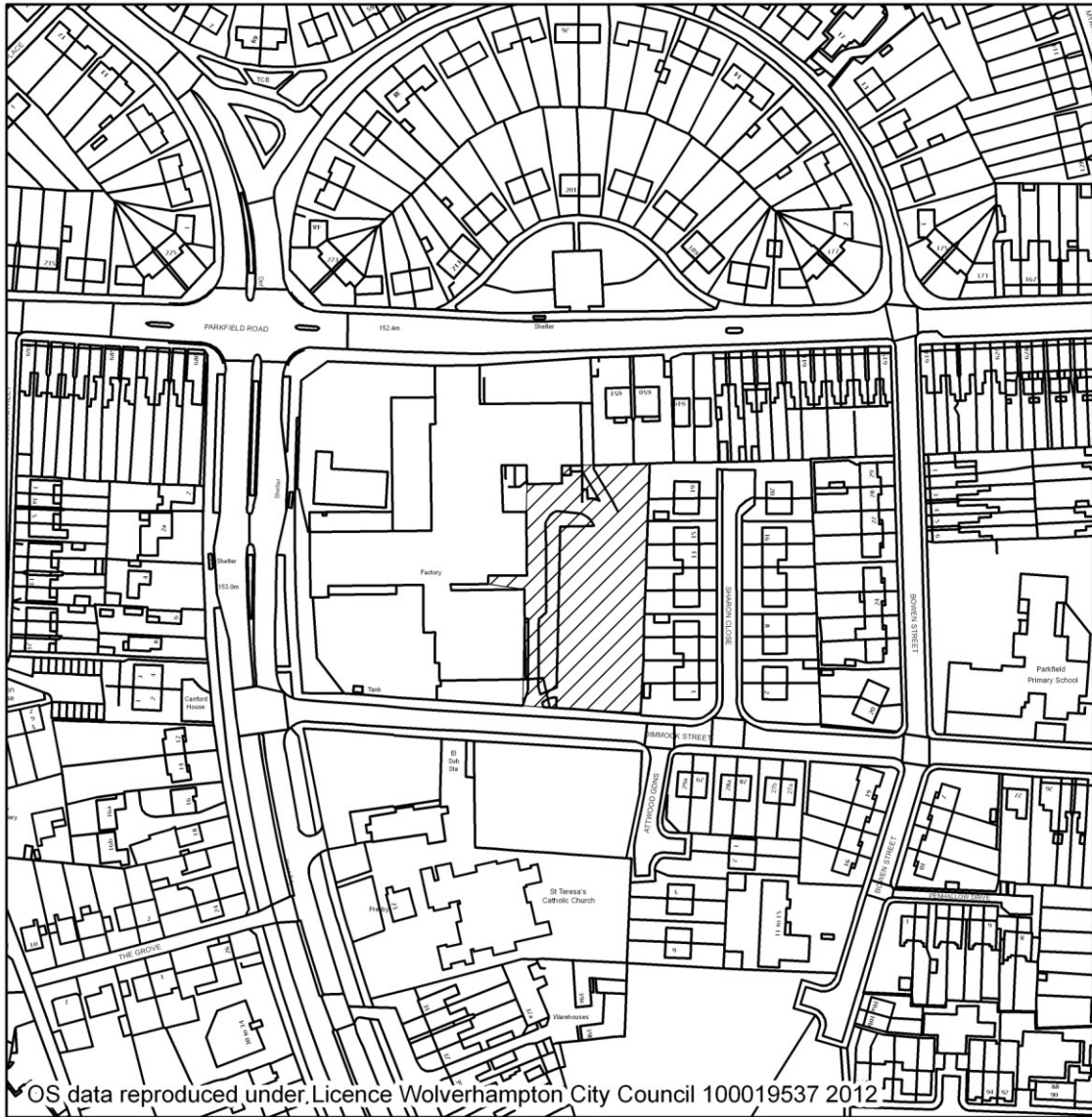
10.1 Subject to conditions as recommended, the development would be acceptable and in accordance with the development plan.

11. Recommendation

11.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00934/FUL subject to:

- (i) Receipt of no overriding objections from neighbours
- (ii) Relevant conditions to include only vehicles visiting the Gill's premises in connection with the abattoir use shall make use of the vehicle wash facility hereby approved.

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



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Planning Application No: 12/00934/FUL

Location	F A Gill Factory, Parkfield Road, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 392304 296485
Plan Printed	23.01.2013	Application Site Area	3348m ²

PLANNING COMMITTEE - 05-Feb-13

APP NO: 12/00038/FUL

WARD: Bilston North

RECEIVED: 18.01.2012

APP TYPE: Full Application

SITE: Long Acres Public House, Dilloways Lane, Wolverhampton

PROPOSAL: Change of Use from Public House (A4 Use) to Community Centre & Place of Worship (Hindu Temple) (D1 Use) including the Extension of the Building and New Boundary Treatment

APPLICANT:

Mr Kuldip Bansal
Proimage plc
20-26 Briddon Street
Strangeways
Manchester
M3 1LS

AGENT:

Mr Alan Reade
Reade Buray Associates
29 Waterloo Road
Wolverhampton,
WV1 4DJ

COMMITTEE REPORT:

1. Site Description

1.1 The application site consists of the former Long Acres Public House on Dilloways Lane. The site has been vacant since the public house closed in 2010. The site is surrounded by predominantly residential properties.

2. Application details

2.1 The application seeks planning permission to change the use of the site to a place of worship and community centre. The primary use of the site will be as a place of worship; however the site will also be used as a community centre and provide services such as day-care for the elderly, education classes and leisure activities.

2.2 The proposed development includes two-small single storey extensions to the building and a new wall/fence along the site boundary. Landscaping will be provided within the site and 67 car parking spaces.

2.3 The opening hours will be between 8am to 8pm. A full-time caretaker will live on the site in the first floor flat.

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)

- 3.3 Other relevant policy documents:
Supplementary Planning Guidance No.6 (SPG6) – Places of Worship

4. Constraints

- 4.1 Coal Mining Referral Area – A Coal Mining Risk Assessment has been submitted which concludes that there is no risk to the proposed 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 Eight letters of objection and a petition with 139 signatures have been received raising the following concerns:

- Impact of traffic / lack of parking / inadequate access
- Noise disturbance
- A temple / community centre is not beneficial to the community as a whole
- Overprovision of places of worship in the area
- The local shop will be affected
- Unacceptable visual impact

- 6.2 An objection has also been received from the Campaign for Real Ale (CAMRA) as the proposal would result in the loss of a public house.

7. Internal Consultees

- 7.1 **Transportation** – No objection.

- 7.2 **Environmental Services** – No objection subject to conditions relating to control of noise disturbance.

8. External Consultees

- 8.1 **The Coal Authority** – No objection

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal ref is LD/16012013/F.

10. Appraisal

10.1 The key issues are:

- Principle of Change of Use
- Impact on Neighbour Amenity
- Highway Matters

Principle of Change of Use

10.2 The proposals would result in one type of community meeting place being replaced by another type of community meeting place. It therefore meets the requirement of UDP policies 'C1 Health, Education and other Community Services' and 'C3 Community Meeting Places'. These seek to retain sites for use as community meeting places.

Impact on Neighbour Amenity

10.3 The opening hours of the premises will be restricted to 8am - 8pm and the noise levels will be below those when the pub was operating and for much reduced hours particularly night hours.

10.4 The proposed development includes some screen planting of trees and shrubs close to the internal boundaries of the site to maintain and improve privacy between adjoining domestic dwellings.

10.5 Therefore, there should be no adverse impact on the residential amenity of neighbouring residents. The proposal is in accordance UDP policy 'EP5 Noise Pollution'.

Highway Matters

10.6 The proposed vehicular access points and car park layout are considered acceptable. The proposed number of parking spaces is sufficient and it is anticipated that traffic levels generated by the development will be similar to that of a pub, but for less hours and at more social hours.

10.7 The NPPF says that the, "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

10.8 The development would not have severe detrimental highway impacts and is therefore acceptable on transport grounds. The proposal would therefore be in accordance with UDP policy 'AM15 Road Safety and Personal Security' and BCCS policies 'TRAN2 Managing Transport Impacts of New Development' and 'TRAN4 Creating Coherent Networks for Cycling and for Walking'.

11. Conclusion

11.1 The proposal would bring back into use a long standing vacant building which will secure the regeneration of the site, and its use as a place of worship and community centre will provide a valuable local community facility.

11.2 Subject to conditions as recommended, the development would be acceptable and in accordance with the development plan.

12. Recommendation

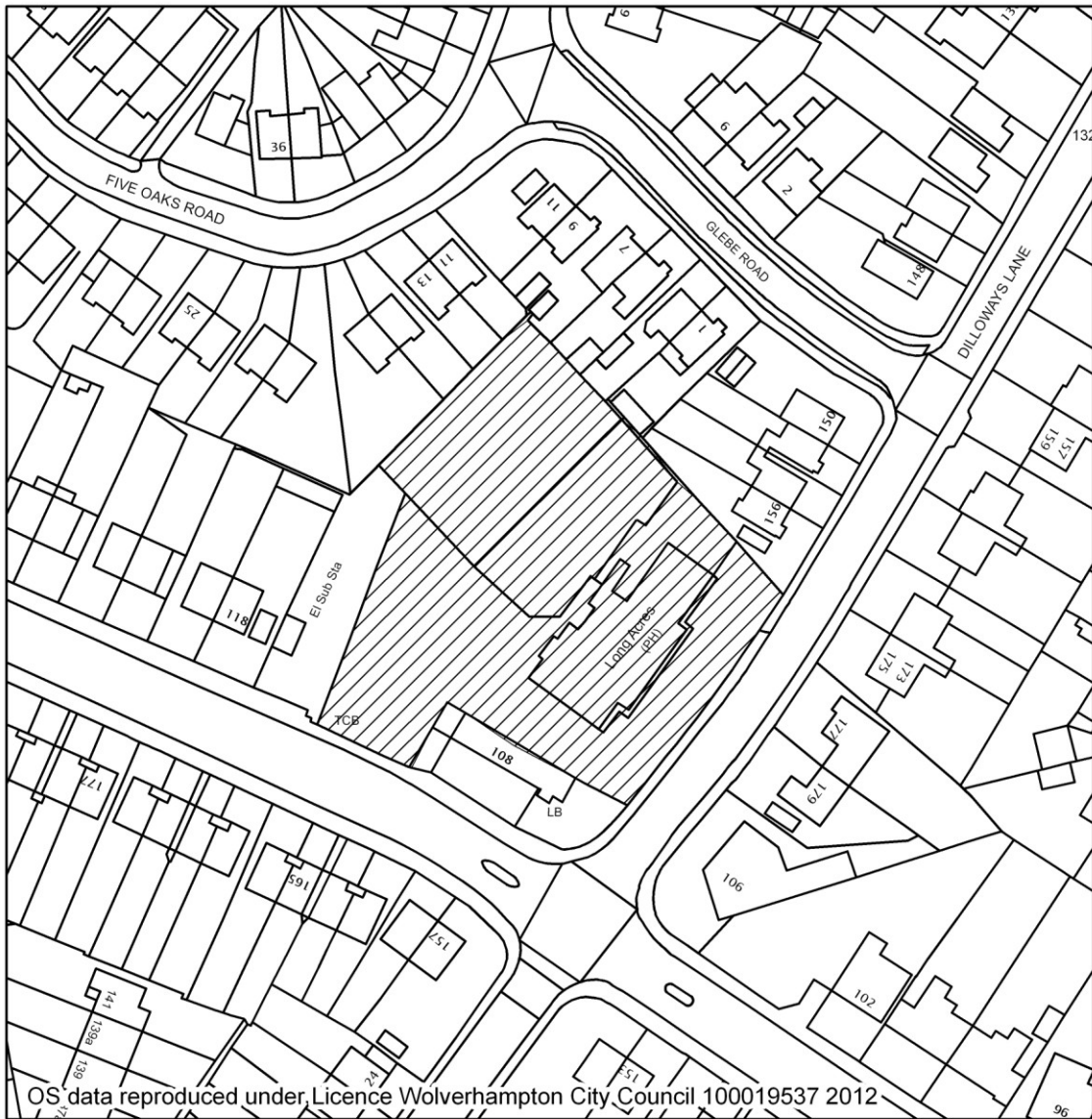
12.1 That the Interim Strategic Director for Education and Enterprise to be given delegated authority to grant planning application 12/00083/FUL subject to:

- (i) Any necessary conditions to include:
- Matching materials
 - Installation of approved ventilation system.
 - Restrict opening / delivery hours to 8am – 8pm.
 - Restrict the use of amplified sound equipment.
 - Measure to mitigate impact of construction on local residents (i.e. no construction outside hours of 0800-1800 Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
 - Provision and retention of access points and car parking areas
 - Cycle and motorcycle parking
 - Landscaping implementation

Case Officer : Mr Morgan Jones

Telephone No : 01902 555637

Head of Planning – Stephen Alexander



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Planning Application No: 12/00038/FUL

Location	Long Acres Public House, Dilloways Lane, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395503 297619
Plan Printed	23.01.2013	Application Site Area	3628m ²

PLANNING COMMITTEE - 05-Feb-13

APP NO: 12/01337/FUL

WARD:

Bushbury South And
Low Hill

RECEIVED: 13.12.2012

APP TYPE: Full Application

SITE: The Pavilion, Stafford Road, Wolverhampton

PROPOSAL: Telecommunications - Installation of a 17.5metre high monopole and associated equipment cabinets

APPLICANT:

Everything Everywhere UK Ltd _ H3G UK
Ltd
C/o Agent

AGENT:

Mr Damian Hosker
WHP Wilkinson Helsby
Ponderosa
Scotland Lane
Horsforth
Leeds
West Yorkshire
LS18 5SF

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is The Pavilion Club, Stafford Road which is situated to the rear of residential properties off Stafford Road.
- 1.2 Stafford Road is a primary route in and out of Wolverhampton City Centre.
- 1.3 Whilst The Pavilion is in commercial use, the surrounding area is predominantly residential with proposed residential development to be constructed on the grounds of the former Goodyear site adjacent. The proposed equipment is to be sited on the bowling green of The Pavilion to the rear of residential houses on Stafford Road.

2. Application details

- 2.1 The application is for telecommunications development for the installation of a 17.5metre high monopole and associated equipment.
- 2.2 The proposed facility is to replace an existing 10metre high floodlight with a 17.5metre monopole to provide new 2G and 3G coverage for both Orange and T-Mobile to the WV10 area of Wolverhampton.
- 2.3 A temporary telecommunications mast is currently in situ on site which has been erected (under the telecommunication permitted development rights this can remain on site for a six month period from 6th November 2012) as a result of the loss of an existing facility on the rooftop of the Homestead Public House, which

has been decommissioned due to the redevelopment of this site. It is proposed that subject to the outcome of this proposal, the temporary mast will be removed from the site.

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)
- 3.3 Other relevant policy documents:
Interim Telecommunications Policy

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 At the time of writing this report, two letters of objection had been received. The main concerns were that a monopole had already been erected, impact on health and considerations be given for the monopole to be erected on land elsewhere within The Pavilion.

6. Legal Implications

- 6.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal implications reference LM/10012013/Z

7. Appraisal

- 7.1 The key issues are: -
 - Siting, appearance and neighbour amenities
 - Perceived health issues

Siting, appearance and neighbour amenities

- 7.2 The proposed equipment is to be sited on the bowling green of The Pavilion approximately 30metres to the south of the main club buildings. The proposed facility is to replace an existing 10metre high floodlight with a 17.5metre high monopole incorporating the floodlighting. The temporary mast will be removed once the pole now proposed is in place and brought into use.

- 7.3 The Interim Telecommunications Policy advises on the siting of this type of equipment which are considered to be in either 'more' or 'less sensitive locations'. In accordance with the advice, this site can be considered to be within a 'less sensitive location' due to its location on an existing non-residential building providing the equipment has been located, designed or screened to minimise its impact on the skyline. In this case, the site backs on to residential properties which are considered to be a 'more sensitive location'. The back garden of the nearest residential property is some 10metres away although the closest residential dwelling is some 50metres from the proposed equipment.
- 7.4 The location has been selected to provide the required coverage whilst having a minimal impact on the residential amenities. One of the reasons for this location being chosen is due to the dense bank of trees of varying height up to perhaps 15metres in height shielding the equipment from the residential properties. Painting the equipment green would also further reduce the prominence of it. As a result it is considered that when viewed from any significant locations the telecommunications development would be appropriately sited and designed to avoid harming the character and appearance of the area.
- 7.5 The proposed equipment is required as a result of the loss of an existing facility at The Homestead Public House. The equipment is to be shared between two users therefore negating the possible need for a second pole in the vicinity. Details of eight possible alternative sites investigated are provided, together with the reasons why these were found to be unsuitable.
- 7.6 Taking all matters into consideration, including the fact that the operators Orange and T-Mobile are site sharing in accordance with government advice, the proposal is not considered to have an adverse impact on the skyline or the locality and is considered to be in accordance with the requirements of UDP policy D6, D7, D9, EP20, BCCS policies CSP4, ENV3 and the Council's Interim Telecommunications Policy.

Health issues

- 7.7 Unitary Development Plan policy EP20 'Telecommunications' 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 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.

8. Conclusion

- 8.1 The proposed telecommunications equipment is considered to be on a site located primarily within a 'less sensitive location' as identified within the Interim Telecommunications Policy, although the site backs onto residential properties, which is identified as a 'more sensitive location' within the policy. On balance taking all matters into consideration including the fact that the operators are site

sharing, the equipment being sited adjacent to the backdrop of a mature bank of trees and the equipment being shared with the monopole and floodlight, it is considered that the proposal is considered to be acceptable and in accordance with advice as set out in UDP policies D6, D7, D9, EP20, BCCS policies CSP4, ENV3 and the Council's Interim Telecommunications Policy.

9. Recommendation

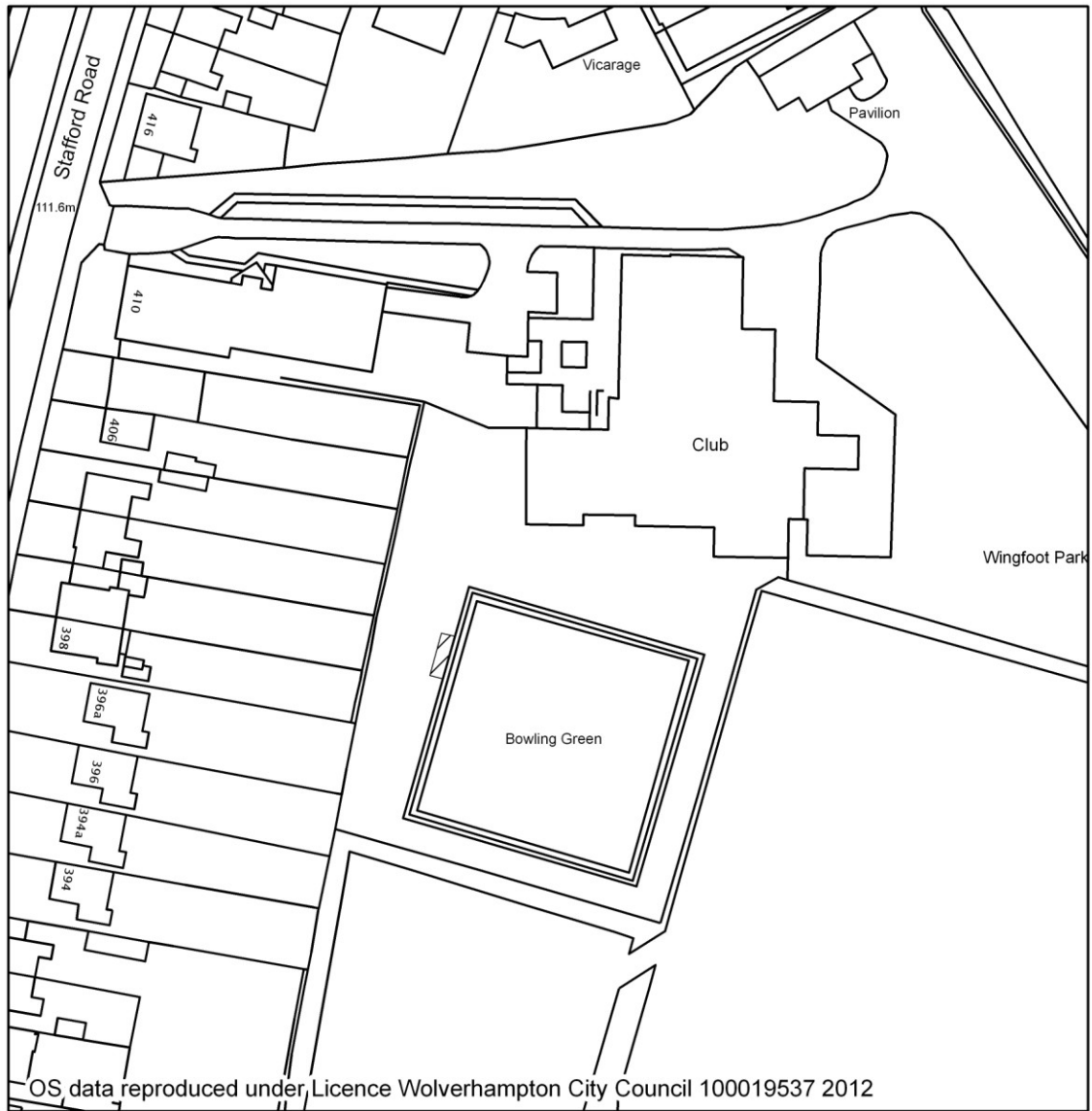
9.1 That planning application 12/01337/FUL be granted, subject to any appropriate conditions including:

- Equipment to be painted in green with three months

Case Officer : Mr Ragbir Sahota

Telephone No : 01902 555616

Head of Planning – Stephen Alexander



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Planning Application No: 12/01337/FUL

Location	The Pavilion, Stafford Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391326 302053
Plan Printed	23.01.2013	Application Site Area	18m ²

PLANNING COMMITTEE - 05-Feb-13

APP NO: 12/01429/FUL

WARD: St Peters

RECEIVED: 04.12.2012

APP TYPE: Full Application

SITE: 35 - 49 Lichfield Street, City Centre, Wolverhampton

PROPOSAL: Installation of 1 no. 300mm diameter telecommunications dish, fixed to an existing pole on the roof of a building at a height of 25.5m

APPLICANT:

-
everything everywhere
c/o Agent

AGENT:

Marta Zieminska
Daly International
Dukesbridge Chambers
Duke Street
Reading
RG1 4SA

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is located on top of modern building which is used as student accommodation. The building is a 6/7 stories in height.
- 1.2 The building is located in the Wolverhampton City Centre Conservation Area.
- 1.3 The roof of the building already has existing telecommunications apparatus and an equipment cabinet that is located at a lower roof level.

2. Application details

- 2.1 The proposal is to install 1No. 300mm diameter dish at a height of 25.5m
- 2.2 The dish will be attached to an existing support pole on the roof of the building.

3. Planning History

- 3.1 09/00878/FUL for Installation of three antennas, two dishes and four cabinets on the roof top of the building, Granted, dated 19.11.2009.
- 3.2 01/0733/FP for Telecommunications equipment comprising 1 no. external wall mounted microcell antenna with associated equipment cabinets located internally, Granted, dated 24.07.2001.
- 3.3 01/0951/GT for Erection of a free standing pole mounted antennae 2.7m in height on the roof of premises, dated 27.07.2001.

- 3.4 01/1605/FP for Telecommunications equipment comprising installation of 3 antennae, 4 dishes and associated equipment cabin, Granted, dated 21.02.2002.
- 3.5 01/1112/FP for Telecommunications equipment comprising 6No. antennae and associated equipment cabin, Refused, dated 01.10.2001.

4. Constraints

- 4.1 Wolverhampton City Centre Conservation Area

5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF) (2012)
- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
- 5.3 Other relevant policy documents:
Interim Telecommunications Policy

6. Publicity

- 6.1 No representations have been received.

7. Internal Consultees

- 7.1 **Historic Environment Team** – No objection

8. Legal Implications

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

9. Appraisal

- 9.1 The key issues are: -
- Principle of the development
 - Visual appearance and impact on the Conservation Area
- 9.2 UDP policy EP20 states that planning permission for telecommunications development must demonstrate that there is a need for the development, that the development has been designed to minimise its visual impact and that it has been demonstrated that no alternative sites in less sensitive locations are available. Sites for telecommunications purposes should be shared where this represents the optimum environmental solution and applications must provide evidence that the operator has sought to locate the mast or antenna on an existing building,

mast or structure. Applications for Telecommunication Equipment must be accompanied by a statement confirming that it has been designed to comply with emission standards set by the independent International Commission for Non-ionizing Radiation Protection (ICNIRP) a certificate

- 9.3 Alternative sites are not relevant in this instance as the works is an upgrade of the existing equipment on the site.
- 9.4 The proposed dish will be located on top of the student accommodation building at a height of 25.5m onto an existing antenna support pole. The dish will be sharing the site with existing telecommunications equipment.
- 9.5 The existing apparatus cannot be seen from Lichfield Street. The apparatus is only visible from Long Street and Fryer Street car park and is not considered to be unduly prominent on the building. As such, the size, location and appearance of the dish will still preserve the character and appearance of the Wolverhampton City Centre Conservation Area.

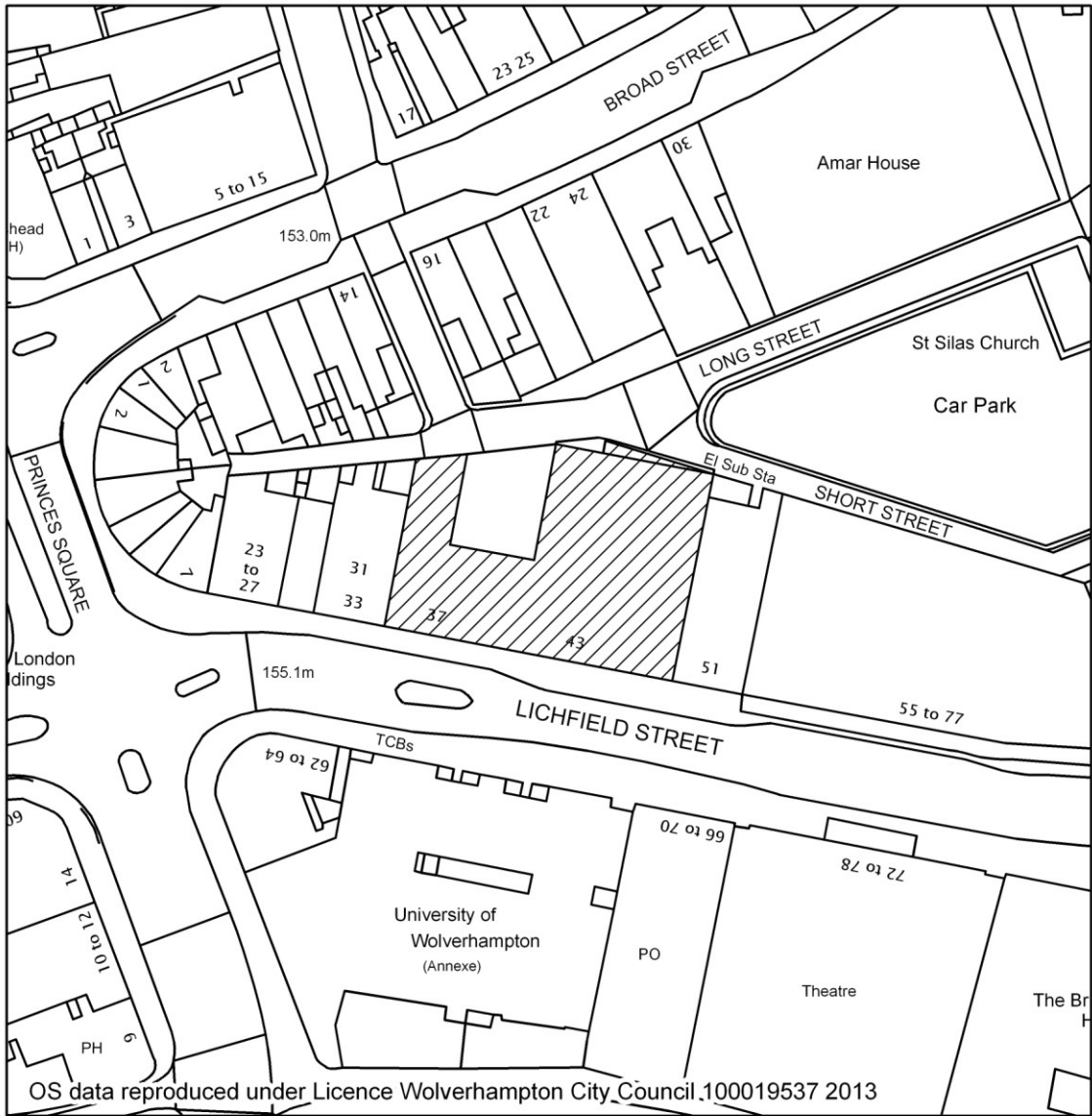
10. Conclusion

- 10.1 The applicant has demonstrated that there is a need for the additional dish to upgrade the network output. The site already has an extensive range of telecommunications equipment on the roof top of the building and as such the site is considered to be acceptable. Due to the size of the dish and siting on the roof of the building the proposal will preserve the character and appearance of the conservation area. The application is accompanied by a statement confirming that it has been designed to comply with emission standards set by the independent International Commission for Non-Ionizing Radiation Protection (ICNIRP) The proposal complies with UDP policies D6, D7, D9, EP20, HE4 and BCCS policies CSP4 and ENV3 and the Council's Interim Telecommunications Policy.

11. Recommendation

- 11.1 That planning application 12/01429/FUL be granted.

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



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Planning Application No: 12/01429/FUL

Location	35 - 49 Lichfield Street, City Centre, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 391620 298794
Plan Printed	23.01.2013	Application Site Area	934m ²

PLANNING COMMITTEE - 05-Feb-13

APP NO: 13/00045/TR

WARD: St Peters

RECEIVED: 17.01.2013

APP TYPE: Lop, Top or Fell Trees Subject to a TPO

SITE: 1 Armstrong Drive, Wolverhampton, WV6 0UR

PROPOSAL: 6 No. Poplars: Fell and poison stumps

APPLICANT:

Mr Alan Kenward
Westside Forestry
The Stables
Harbours Hill
Belbroughton
DY9 9XE

AGENT:

COMMITTEE REPORT:

1. Site Description

1.1 The six Poplar trees which are the subject of this application are situated within a belt of protected trees to the boundary of a small open space area within a residential development. The belt of trees provides a screen to the adjoining industrial estate.

2. Application details

2.1 The application seeks permission to fell six Poplar trees, which are in a condition of decline and are heavily infested with ivy. Compensatory planting of ultimately forest-sized native species is proposed, more distant from the boundary fence.

3. Constraints

3.1 Tree Preservation Order - TPO Ref: 06/00648/TPO

4. Publicity

4.1 No representations received.

5. External Consultees

5.1 None

6. Legal Implications

- 6.1 The trees which are the subject of the application are situated within Area A3 of the Wolverhampton (Dunstall Park Racecourse) Tree Preservation Order, made on 21 July 1992.
- 6.2 S197 to S214 of the Town and Country Planning Act 1990 (as amended), The Town and Country Planning (Trees) Regulations 1999 and the Town and Country Planning (Trees) (Amendment) (England) Regulations 2008 provide the statutory framework for dealing with Trees. Anyone proposing to cut down or carry out work on a tree(s) covered by a Tree Preservation Order may make an application for consent in accordance with Regulation 9A of the 1999 Regulations (as amended)
- 6.3 In addition, “Tree Preservation Orders: A Guide to Good Practice” and subsequent addendums provide guidance on Tree Preservation Orders and applications for consent under the Act. The guidance has the same status as a planning circular and thus should be afforded appropriate weight. The guidance states (as detailed in Chapter 6) that Local Planning Authorities in considering applications for consent should assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area. Having regard to these matters they should then determine whether or not the proposal is justified having regard to reasons put forward to support the proposal.
- 6.4 In assessing amenity local planning authorities are advised to approach this in a structured and consistent way and suggest three criteria should be considered namely (1) Visibility, (2) Individual Impact and (3) Wider Impact as described in paragraph 7.1 of this report.
- 6.5 In determining applications for consent in this case regard does not have to be had to the provisions of the development plan
- 6.6 Members are also advised to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions as this could give rise to a liability to pay compensation. In determining this application members may refuse consent, grant consent unconditionally or grant consent subject to such conditions as they think fit. Any conditions imposed must be clear and precise. In the event an application is refused clear reasons for refusal must be given and these should address each of the applicants reasons for making the application along with details of the applicants right of appeal and the applicants right to compensation for loss or damage suffered as a result of the Local Planning Authority’s decision.

7. Appraisal

- 7.1 The removal of the six Poplar trees would be perceptible in the view of a dozen semidetached houses at the head of Armstrong Drive, which face onto the open space area. However it is considered that any negative impact upon the local amenity in the short term, will be more than offset by proposed replacement planting in terms of species longevity and ecological value.

8. Conclusion

8.1 The felling of the trees and subsequent replacement tree planting is in accordance with good arboricultural and forestry practice.

9. Recommendation

8.1 That application be granted, subject to the following conditions:

- Tree felling works shall be undertaken in accordance with BS 3998: 'Tree Work Recommendations': 2010
- Replacement planting shall consist of three English Oak and two Sweet Chestnut trees, planted at a height of 2.4 – 3 metres, before the end of this year.

**Case Officer : Ms Alison McCormick
Telephone No : 01902 555640
Head of Planning – Stephen Alexander**



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Planning Application No: 13/00045/TR

Location	1 Armstrong Drive, Wolverhampton, WV6 0UR		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 390533 300363
Plan Printed	23.01.2013	Application Site Area	1993m ²