

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 5th March 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 March 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 LPAs are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application will necessarily have been judged to have been acceptable at an earlier date. The application should be judged in accordance with the test in s.38(6) P&CPA 2004 (see above). The outcome of a successful application will be a new permission with a new time limit attached.
- 1.8 LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission. The process is not intended to be a rubber stamp. LPAs may refuse applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably.

Reasons for the Grant or Refusal of Planning Permission

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

Right of Appeal

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

The Development Plan

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

Environmental Impact Assessment Regulations

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

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

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

PLANNING COMMITTEE - 05-Mar-13

APP NO: 12/01478/FUL **WARD:** Tettenhall Regis

RECEIVED: 20.12.2012

APP TYPE: Full Application

SITE: Woodthorne, (former ADAS site), Wergs Road, Wolverhampton

PROPOSAL: 62 dwellings (46 houses and 12 flats with associated access, parking and landscaping).

APPLICANT:

Mr Rob Perrins
David Wilson Homes Mercia &
ADAS UK Ltd
Remus 2
2 Cranbrook Way
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B90 4GT

AGENT:

Mrs Lucy Lester
BBLB architects llp
The Old Library
Hagley Road
Stourbridge
DY8 1QH

COMMITTEE REPORT:

1. Site Description

- 1.1 This 3.5 ha site is 1km north west of Tettenhall District Centre and is largely hidden from view by the surrounding houses, which are. predominantly large and detached with substantial gardens.
- 1.2 The site was developed in the 19th century for a large house "Woodthorne" which was acquired by the Ministry of Agriculture, Fisheries and Food in the mid-20th century. Subsequently Woodthorne was demolished and new offices built.
- 1.3 This site is generally flat and occupied by a large three-storey office building and ancillary buildings and car parking areas, set in a mature landscaped setting with deciduous and evergreen trees, many of which are protected by Preservation Orders..
- 1.4 Separate vehicular access and egress is from/to the A41 Wergs Road to the north, and there is a footpath link to Wrottesley Road to the south.

2. Application details

- 2.1 The 58 dwellings proposed would comprise 46 four and five-bedroomed houses and 12 one-bedroomed apartments. The houses would be two and two and a half storeys in height on relatively generous plots. The apartments would be three storeys in height (reduced from four storeys following public consultation).

- 2.2 The applicants state that the flats would be primarily aimed at 'downsizers', who wish to move from a larger to a smaller property in the area.
- 2.3 Three 'pocket parks' are proposed where the best quality trees will be retained.

3. Relevant Policy Documents

3.1 National Planning Policy Framework (NPPF)

3.2 Black Country Core Strategy (BCCS)

- CSP4 Place Making
- DEL2. Managing the Balance Between Employment Land and Housing
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- EMP5 Improving Access to the Labour Market
- TRAN2 Managing Transport Impacts of New Development
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality
- ENV7 Renewable Energy
- ENV8 Air Quality
- WM1 Sustainable Waste and Resource Management
- WM5 Resource Management and New Development

3.3 Unitary Development Plan (UDP)

- D3 Urban Structure
- D4 Urban Grain
- D5 Public Realm Public Open Private Space
- D6 Townscape and Landscape
- D7 Scale - Height
- D8 Scale - Massing
- D9 Appearance
- D10 Community Safety
- D11 Access for People with Disabilities part
- D12 Nature Conservation and Natural Features
- D13 Sustainable Development Natural Energy
- D14 The Provision of Public Art
- EP8 Water Supply Arrangements for Development
- EP9 Sustainable Drainage Arrangements for Development
- HE1 Preservation of Local Character and Distinctiveness
- N1 Promotion of Nature Conservation
- N9 Protection of Wildlife Species
- R7 Open Space Requirements for New Develop.
- H6 Design of Housing Development
- H8 Open Space, Sport and Recreation Requirements for New Housing Developments
- AM12 Parking and Servicing Provision
- AM15 Road Safety and Personal Security

3.4 Supplementary Planning Guidance

- SPG3 Residential Development
- SPD Affordable Housing

4. Environmental Impact Assessment Regulations

4.1 This application is 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 In total 59 letters have been received from neighbouring residents. An objection has also been received from Councillor Barry Findley. Whilst many are happy in principle with the site being redeveloped, concerns regarding the following points have been raised:

- Scale of apartments causing overlooking/overshadowing/overbearing impact
- Loss of trees
- Impact on highway safety
- Impact on wildlife

6. Internal Consultees

6.1 **Environmental Health and Ecology** - No objections

6.2 **Transportation Development** – See appraisal.

7. External Consultees

7.1 **Police, Severn Trent, Fire Service** – No objections

7.2 **Environment Agency** – Object as the proposal does not reduce surface water flow rates back to equivalent Greenfield rates.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/20022013/I

9. Appraisal

9.1 The key considerations in determining this application are:

- Acceptability of residential use
- Design
- Impact on neighbours' amenity

- Transportation
- Trees
- Ecology
- Drainage
- S106 Obligations

Acceptability of residential use

- 9.2 The application site is included in the Wolverhampton Strategic Housing Land Availability Assessment (May 2012) and is not needed to meet the employment land requirements identified in the Core Strategy.
- 9.3 The proposed development would help meet the area's housing target and also help increase the variety of new homes available in the area in line with Black Country Core Strategy Policy HOU2.

Design

- 9.4 The proposed layout provides clear definition of public and private realms, with active frontages onto the street and open spaces and private gardens secured by other private gardens.
- 9.5 UDP Policy D7 'Scale-Height' states that buildings should, "be compatible with the general pattern of heights in an area". The proposed two storey houses and three storey flats would be in accordance with this.
- 9.6 The proposed appearance of the houses and apartments would complement those of the surrounding area.
- 9.7 The proposed design is acceptable and in accordance with UDP policies H6, D3, D4, D5, D6, D7, D8, D9 and D10 and BCCS policies ENV3, CSP4 and WM5.

Neighbours' amenity

- 9.8 The proposed location of the houses would respect neighbours' privacy, daylight and outlook.
- 9.9 The apartment block would be orientated so that the gable ends face the rear gardens of those houses on Wergs Road and Woodthorne Avenue. Whilst the gable ends do have some fenestration, they are secondary windows which could be obscure glazed. This requirement could be secured through a planning condition.
- 9.10 The apartment block would be 40m from the rear of houses on Wergs Road and 70m from the rear of houses on Woodthorne Road.
- 9.11 The development would not have an unacceptable impact on neighbours' amenity and would be in accordance with UDP policies H6.

Transportation

- 9.12 Sufficient car parking (majority of the houses have at least three spaces and 1.5 per flat) is proposed, taking account of an anticipated high level of car dependency because of distance from services and an infrequent bus service.
- 9.13 The existing access from Wergs Road would be widened to allow two-way traffic and the existing egress would be abandoned. While Wergs Road is busy

during rush hours, the majority of the time it is fairly quiet. The proposed development would not have an unacceptable impact on traffic flow or highway safety on Wergs Road.

9.14 The existing footpath to Wrottesley Road would be retained.

9.15 The NPPF says that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

9.16 The transport impacts of the development would not be severe and so the proposal is acceptable on transport grounds.

Trees

9.17 There are two main phases of tree planting on the site. Phase 1 relates to the time of Woodthorne House and Phase 2 occurred during the landscaping of the office complex, approximately forty years ago. Together, they provide extensive cover across the site and their amenity value is high. However, if the site is to be developed to provide family homes, significant tree loss is inevitable.

9.18 The applicant commissioned an arboricultural assessment which provides an assessment of the quality and value of the trees. This has informed the design process so that trees of lower arboricultural, less visual prominence or those of mature age, would be removed. Care has also been taken to avoid over-retention of trees, to avoid conflict between trees and new houses.

9.19 Better quality trees are proposed to remain within three ‘pocket parks’ set amongst the housing, to maximise their visual impact. The majority of the wooded character of the Wergs Road frontage would also be maintained, as would a tree lined approach along the access road leading into the development, providing a ‘leafy’ feel to the site.

9.20 In addition, new tree planting would ensure continuity of tree cover.

Ecology

9.21 Surveys have been undertaken for the presence of bats, reptiles and badgers. No evidence of reptiles was observed.

9.22 While no evidence of current occupation by bats was observed, the demolition method statement includes the requirement for an additional survey prior to demolition.

9.23 Three badger setts have been recorded on site, one of which was active at the time of the survey. The active sett would be retained. A Protected Species Licence from Natural England would be required.

9.24 No evidence of recent use was observed at the other two setts. As a precautionary approach, those setts will be surveyed again prior to the commencement of site clearance. In the event that badgers are confirmed to be present, a license may again be required from Natural England.

- 9.25 No evidence of other protected species or habitat suitable for their use was recorded on site.
- 9.26 A condition can require that development is carried out in accordance with the recommendations of the protected species survey. On that basis the development is acceptable in terms of its ecological impact.

Drainage

- 9.27 The Environment Agency objects as proposed surface water flow rates would not be reduced to Greenfield rates, in accordance with BCCS policy ENV5.
- 9.28 The application site is not within a designated flood risk area and Severn Trent has confirmed that the drainage arrangements would be acceptable. The proposed arrangements would provide an enhancement of the current drainage situation and for these reasons the drainage proposals are acceptable.

Planning Obligations

- 9.29 In accordance with the development plan there is a requirement for:
- 25% affordable housing
 - public open space contribution of (£134,275.89 BCIS indexed)
 - 10% renewable energy
 - public art
 - targeted recruitment and training
 - Management company for communal spaces
- 9.30 The applicants have offered a financial contribution for affordable housing, instead of providing it on-site. Whilst, there is a policy preference for on-site affordable housing, the Affordable Housing SPD does recognise that there will be occasions where it would be better to provide it on another site.
- 9.31 Because this site is in an area of high property values, more affordable housing could be provided elsewhere for the same cost as providing it on-site.
- 9.32 The applicant proposes to pay a sum, equivalent to the cost of providing 25% on-site affordable housing, to provide a greater number of affordable homes at another site(s), within the Tettenhall area.
- 9.33 Given that this arrangement would provide more affordable homes it would be acceptable.

10. Conclusion

- 10.1 The NPPF states that, 'significant weight should be placed on the need to support economic growth'. Having taken into account all the planning issues, including those raised by the objectors and the external consultees, the positive planning benefits of the development outweigh any negative planning impacts.

11. Recommendation

11.1 That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/01478/FUL subject to:

- (i) Negotiation and completion of a S106 to include:
 - 25% affordable housing (commuted sum £541,000 BCIS indexed)
 - public open space contribution (£134,275.89 BCIS indexed)
 - 10% renewable energy
 - public art
 - targeted recruitment and training
 - Management company for communal spaces

- (ii) Conditions to include:
 - Materials
 - Landscaping/boundary treatment
 - Nature Conservation
 - Drainage
 - Site waste management plan
 - Bin/cycle stores and motorcycle parking stores for flats
 - Remove pd for walls/gates between houses and roads
 - No gating of access road
 - East/West elevations of apartments to have obscure glazing above ground floor
 - Ground contamination
 - Measures to reduce impact of construction on residents
 - Tree protection measures
 - Provision of visibility splay at main access

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



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Planning Application No: 12/01478/FUL

Location	Woodthorne, Wergs Road,Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 387627 300611
Plan Printed	20.02.2013	Application Site Area	35678m ²

PLANNING COMMITTEE - 05-Mar-13

APP NO: 12/01267/FUL

WARD:

Fallings Park

RECEIVED: 22.10.2012

APP TYPE: Full Application

SITE: 48 Primrose Lane, Wolverhampton, WV10 8RN

PROPOSAL: Proposed six number, two bedroom apartments on land to the rear of 48 Primrose Lane, Bushbury, Wolverhampton

APPLICANT:

Mr Robert McGing
Meadow View
Straight Mile
Four Ashes
Wolverhampton
WV10 7DL

AGENT:

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

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site comprises of a piece of land which is located to the rear of 48-50 Primrose Lane, which once formed part of the garden land to 48 Primrose Lane. The surrounding area is predominantly residential with bungalows, houses and two storey apartment blocks. The site would be accessed from Redcotts Close, where the site is currently screened by shrubbery and boundary fencing. The site is within close proximity to a local shopping centre, which fronts Cannock Road.

2. Application details

- 2.1 The proposal consists of a two story block of apartments, incorporating six, two bedroom apartments, and associated car parking, garden, and utility facilities (bin and cycle store).

3. Planning History

- 3.1 08/01140/OUT for Outline Application. Residential development of a maximum of 9 apartments with new access and associated works. Refused, dated 06.11.2008. This application was subsequently allowed at appeal.
- 3.2 10/01190/FUL for Erection of one, three bedroom dwelling, Granted, dated 29.12.2010.
- 3.3 11/00925/FUL for New Four bedroom dwelling, Granted, dated 04.11.2011.

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:
Supplementary Planning Guidance Note 3 – Residential Development

5. Environmental Impact Assessment Regulations

- 5.1 This development proposal is not included in the definition of Projects that require 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 objection received from a Ward Councillor
 - Not compatible with the surrounding area
 - Insufficient level of Parking
 - Development would result in a loss of parking to Redcotts Close

7. Internal Consultees

- 7.1 **Environmental Health** – Operational hours during construction required.
- 7.2 **Transportation Development** – No objections, subject to conditions for the submission of detail for access build outs, which should be submitted and agreed in writing prior to development.
- 7.3 **Building Control** – No objections
- 7.4 **Trees** – No objections

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. (Ref.:LD/20022013/Q)

9. Appraisal

- 9.1 The key issues are: -
 - **Principle of Development**

- **Parking/Access**
- **Design/Layout**
- **Neighbouring Amenities**

Principle of Development

- 9.2 Although the site once formed part of the garden land to properties within Primrose Lane, it has now been detached. The site, as viewed from Redcotts Close, is fenced off at present, but if this is opened up, and access afforded to the site, the proposed development would relate well to the street scene within Redcotts Close. The proposed development would be similar to a block of apartments south of the site, and would maintain the building line which is formed along this frontage. There are a mixture of properties within Redcotts Close, and in the nearby area, including bungalows, houses and two storey blocks of apartments. The proposed development would have a similar massing and height and although the design is simple it would relate positively to street scene it forms a part of. Therefore, the principle of development is considered to be consistent with Policies with the Black Country Core Strategy (BCCS) and the Unitary Development Plan (UDP, and is therefore acceptable.

Parking and Access

- 9.3 The site has access to good local transport services, and is within close proximity to local shopping facilities. Access to the site would be from Redcotts Close across an existing layby, which is currently used for parking within Redcotts Close. The access would result in the loss of two parking spaces in the layby. It is appreciated that Redcotts Close, and the layby can be at times congested from parking overflowing from the neighbouring health centre, however, the proposal has provided a sufficient amount of off street parking bays, and with good access to services, the proposal is considered unlikely to have any significant detrimental impact to highway safety. Under the terms of the new NPPF for a scheme to be refused on highway safety grounds there needs to be a severe cumulative impact on safety. Given that the development will add so little to demand for on street parking, it is not considered that such an impact could be demonstrated. It should also be noted that a previous scheme for nine apartments, was also allowed at appeal, with no issues raised by the Planning Inspector in respect of highway safety. Therefore, the proposal is consistent with BCCS and UDP Policies.

Design/Layout

- 9.4 The design is quite simple, with a rectangular shaped building and pitched roof design. But its appearance is consistent with that of surrounding development, with a similar height/massing. There is sufficient spatial separation between proposed and existing dwellings and solar orientation is also acceptable. Therefore, with appropriate materials it is considered that the development proposed would be in keeping with the character and appearance of the surrounding area. The layout is also considered to be acceptable, with a sufficient level of parking, shared garden space and facilities (bin and cycle storage). Therefore, the proposal is consistent with BCCS and UDP Policies.

Neighbouring Amenities

- 9.5 The location of the proposed development is sufficiently offset from neighbouring properties, with a suitable distance between windows and elevations to protect amenity. The layout has also carefully considered privacy, especially the rear elevation. Therefore, although the development would be

clearly evident, there is considered to be no significant detriment to outlook, light, sunlight or privacy, and is therefore, consistent with BCCS and UDP Policies.

10. Conclusion

10.1 The proposed development is considered to be acceptable, being consistent with the established development surrounding, of a similar character/appearance, and with no significant detriment to neighbouring amenities, or highway safety. 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 Black Country Core Strategy, the Development Plan or the National Planning Policy Framework, subject to conditions. ENV2, HOU1, HOU2, TRAN4, D4, D5, D6, D7, D8, D9, D10, D11, D12, D13, EP5, EP9, N7, H6, AM12, and AM15.

11. Recommendation

11.1 That planning application 12/01267/FUL is granted planning permission, subject to any appropriate planning conditions including the following:

- Matching Materials
- Landscaping
- Parking Areas
- Restriction of working hours during Construction Phase
- Bin Storage
- Cycle Storage
- Visibility Splays
- Disposal of Surface Water

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



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Planning Application No: 12/01267/FUL

Location	48 Primrose Lane, Wolverhampton, WV10 8RN		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393273 301659
Plan Printed	20.02.2013	Application Site Area	965m ²

PLANNING COMMITTEE - 05-Mar-13

APP NO: 13/00090/FUL

WARD: Ettingshall

RECEIVED: 01.02.2013

APP TYPE: Full Application

SITE: Land Rear Of 169 Caledonia Road, Wolverhampton, WV2 1JA

PROPOSAL: Erection of a building to contain two apartments

APPLICANT:

Mr Singh
12 Porthouse Grove
Wolverhampton
WV14 9XZ

AGENT:

Mr Jermaine Campbell
CJ Architecture
17 Selkirk Road
Chadderton
Oldham
Greater Manchester (Met County)
OL9 8AB

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is situated to the rear of a row of three two storey Victorian houses and a length of undeveloped land which face directly onto Caledonia Road.
- 1.2 **Along part its front boundary, the site is unfenced from the open rear gardens of the two houses Nos. 169 and 171 Caledonia Road and may at one time** have been part of the rear gardens of these houses. It contains the derelict remains of what appears to have been a single storey building, the original use of which is unclear. Along the rest of its front boundary, the site faces onto an area of overgrown land which is open onto Caledonia Road from which it was fenced off by a now broken down fence and which appears not to be in use for any purpose.
- 1.3 To the rear, the site backs onto an area of open grass which faces onto Major Street and Banstead Close.
- 1.4 The application site appears not have any existing vehicular access, facing a it does, directly onto the rear gardens of 169 and 171 and onto the open area of land next to these properties.

2. Application Details

- 2.1 The application seeks planning permission to build a single storey six metre high building with dormer windows in the roof. This will provide two flats, each with two double bedrooms and one single bedroom and two bathrooms.

- 2.2 Three car parking spaces are shown, but no vehicular access to these spaces from the public highway is shown, nor is it clear how such access could be obtained without including further land outside the application site.

3. Planning History

- 3.1 There have been several relevant planning decisions which have included part ,or the whole, of this site;
12/00710/FUL Granted for a block of six flats fronting onto Caladonia Road
11/00172/FUL Granted for a block of nine flats fronting onto Caladonia Road
10/00720/FUL Thirteen Flats. Refused 21 October 2010 in two blocks on on the Caledonia Road frontage and one to the rear
- 3.2 The scheme the subject of the current application was the subject of a pre-application enquiry, when the applicant was informed that the scheme was unacceptable and would not be recommended for approval.

4.0 Relevant Policies

- 4.1 National Planning Policy Framework (NPPF)
- The Development Plan
- 4.2 Wolverhampton's Unitary Development Plan (UDP)
- 4.3 Black Country Core Strategy (BCCS)
- 4.4 Other Relevant Policies
Wolverhampton's Supplementary Documents
SPG No.3 - Residential Development

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental impact Assessment" to accompany the planning application. (This is explained at the beginning of the schedule of planning applications).
- 5.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required

6. Publicity

- 6.1 One letter has been received. This is from the Grove Medical centre which is located on the opposite side of Caledonia Road. This points out that the Medical centre 'is a busy doctor's surgery and access for patients and emergency vehicles is a priority'.

7. Internal Consultees

- 7.1 **Environmental Services** – No objection subject to conditions in respect of noise insulation and construction phase operational hours

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal Ref; LD/20022013/K

9. Appraisal

- 9.1 The key issues are: -

- The principle of the development
- The design and layout of the proposed property
- Access and parking arrangements
- Neighbour amenity

The Principle of the Development

- 9.2 At national level the NPPF sets out the Governments planning strategy. For residential development, it promotes high quality housing that is well-designed and built to a high standard and is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Similarly BCCS Policy CPS4 'Place Making' requires all development to make a positive contribution to place-making by respecting the established local pattern of development.

- 9.3 UDP Policy H6 – Design of Housing Development seeks to promote a high standard of design for all housing developments creating a distinctive identity being informed by the townscape of the locality. This advice is expanded on in SPG No.3 – Residential Development which states schemes should be designed to take account of the nature and character of surrounding development, in order to add to, enhance or where appropriate improve upon or create new 'identity' and a 'sense of place'.

- 9.4 The site is situated in an established residential area which is well connected to the public transport system and provides reasonable access to green and open amenity space. However, whilst the location of the site is therefore suitable for residential development, the site itself is not. It is situated effectively in at the bottom of the rear gardens of the houses which face onto Caladonia Road. It would have no 'active' frontage onto any road, but effectively constitute backland development of a type which detracts from the established pattern and form of residential development in the vicinity. The site is not therefore in principle acceptable for residential development.

Design and Layout

- 9.5 UDP Policy D4 Urban Grain, states proposals should respond positively to the established pattern of streets and buildings including plot sizes, spatial character and building lines of which they form a part. Policy D5 Public realm,

states proposals should promote active street frontages as a means of enclosing the public realm. Policy D6, confirms proposals should create or reinforce local distinctiveness by comprising site-specific design solutions that respond explicitly to the site and its context. Policy H6 'Design of Housing Development' deals with the design of housing development, it promotes compatibility with neighbouring uses and protects neighbour amenity. These policies are expanded on within SPG No.3 Residential Development in respect of infill/backland sites such as this, at section 7.12.1.

- 9.6 The proposal is for a chalet-style building set effectively at the bottom of the gardens of a row of two storey victorian terraced houses which face onto Caledonia Road. There are no dwellings of a similar chalet style in the vicinity and all existing dwellings are set to the front of their plots, with active frontage onto Caledonia Road or other roads in a distinctive pattern and form. The proposed dwelling in the position proposed, would not follow this pattern or form, it would have no active street frontage and so it would not add anything to the street scene, as it is set well back behind the established frontage building line. The layout cannot therefore be said to have been based on the characteristics of the established street and plot pattern, or the building form and type in the vicinity and so does not comply with these relevant planning policies.

Access and Parking Arrangements

- 9.7 The scheme shows the provision of three parking spaces on site. This is normally and acceptable level of provision in a sustainable location such as this one. However, there is no vehicular access whatsoever shown on the submitted plans to serve these parking spaces. This has been brought to the attention of the Agent, but without any correction. Without such access, the parking spaces would be unusable. To provide an access would need land which is not within the application site.

10. Conclusion

- 10.1 This site has the remains of an old structure on it, which is now derelict what use this building may have been constructed for is unclear. There appears to be no existing vehicular access to it. The site is situated effectively at the bottom of the rear gardens of dwellings which face onto Caledonia Road. New dwellings in this position would not follow the established pattern of the residential form in the locality and so cannot be said to respect that form as required by government and local; planning policies. It would be an unacceptable form of backland development , detracting from the established form of development adding nothing to the street scene, contrary to planning policies. The development for two flats would have no vehicular access from any public highway and so the three parking spaces shown would be unusable.

11. Recommendation

- 11.1 That Planning Application 13/00090/FUL be refused for the following reasons;

1. Unacceptable form of backland development of a build type and layout which detracts from the established locally distinctive build type and form and contributes nothing to the street scene or local distinctiveness.
2. The proposal does not include any means of vehicle access to serve the three on-site parking spaces shown.
3. The proposal is therefore contrary to the NPPF, BCCS policy CPS4 and UDP policies H6, D4, D5 & D6. and SPG No 3.

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



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Planning Application No: 13/00090/FUL

Location	Land Rear Of 169 Caledonia Road, Wolverhampton, WV2 1JA		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 392288 297555
Plan Printed	20.02.2013	Application Site Area	336m ²

PLANNING COMMITTEE - 05-Mar-13

APP NO: 13/00076/FUL

WARD:

Bushbury North

RECEIVED: 29.01.2013

APP TYPE: Full Application

SITE: Staffordshire Volunteer, Collingwood Road, Wolverhampton

PROPOSAL: Change of Use of part of the former public house to hot food takeaway

APPLICANT:

SEP Properties
Dudley House
Stone Street
Dudley
DY1 1NP

AGENT:

Paul Lees
Paul Lees Designs
14 Sonning Drive
Wolverhampton
WV9 5QN

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is a vacant unit which forms part of the former Staffordshire Volunteer Public House. The unit is on the east elevation of the building and has a floor area of 105sqm. There are two adjoining units within the building, one of which is occupied by a convenience store and the other which is vacant.
- 1.2 An area of parking surrounds the building, providing a total of 13 shared parking spaces, including two disabled spaces. The site is within the Bushbury Lane local centre. A precinct of local shops exists opposite the site to the east, with further off-street parking.

2. Application details

- 2.1 The proposed development is for a hot food takeaway in part of the former Staffordshire Volunteer Public House. The change of use is therefore A4 (Drinking Establishment) to A5 (Hot Food Takeaway)
- 2.2 The unit is 105sqm. Proposed opening hours are 11:00 – 23:00 Monday to Sunday. Employment numbers are not known at this stage.

3. Planning History

3.1 Recent planning history:

- 11/00572/FUL for Shopfront to existing building (redundant Public House) granted 01.08.2011.

- 11/00810/FUL for Elevational alterations to existing building (redundant Public House) granted 20.10.2011.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
SH14 - Catering Outlets

Black Country Core Strategy (BCCS)
CEN2 – Hierarchy of Centres

5. Publicity

- 5.1 One representation received from a competitor takeaway operator on competition grounds (this is not a valid planning objection)

6. Internal Consultees

- 6.1 **Environmental Health** – No objections subject to conditions on ventilation and hours of delivery and operation.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of LD/20022013/B planning applications

8. Appraisal

- 8.1 The key issues are: -

- Principle of the Use
- Residential Amenity

Principle of the Use

- 8.2 A takeaway is a centre use as defined by policy SH14. The use would not harm the vitality and viability of the Broadway local centre, and would potentially bring a vacant unit into occupation with associated employment and investment.

- 8.3 There is one other takeaway operator in this centre. The proposals would not therefore lead to a proliferation of this type of use. Adequate off-street parking is available in front of the site, and the local centre is accessible by bus, pedestrians and cyclists. The proposals are consistent with SH14 and CEN2.

Residential Amenity

- 8.4 There would be no loss of residential amenity as the nearest property is 25m to the south of the site.

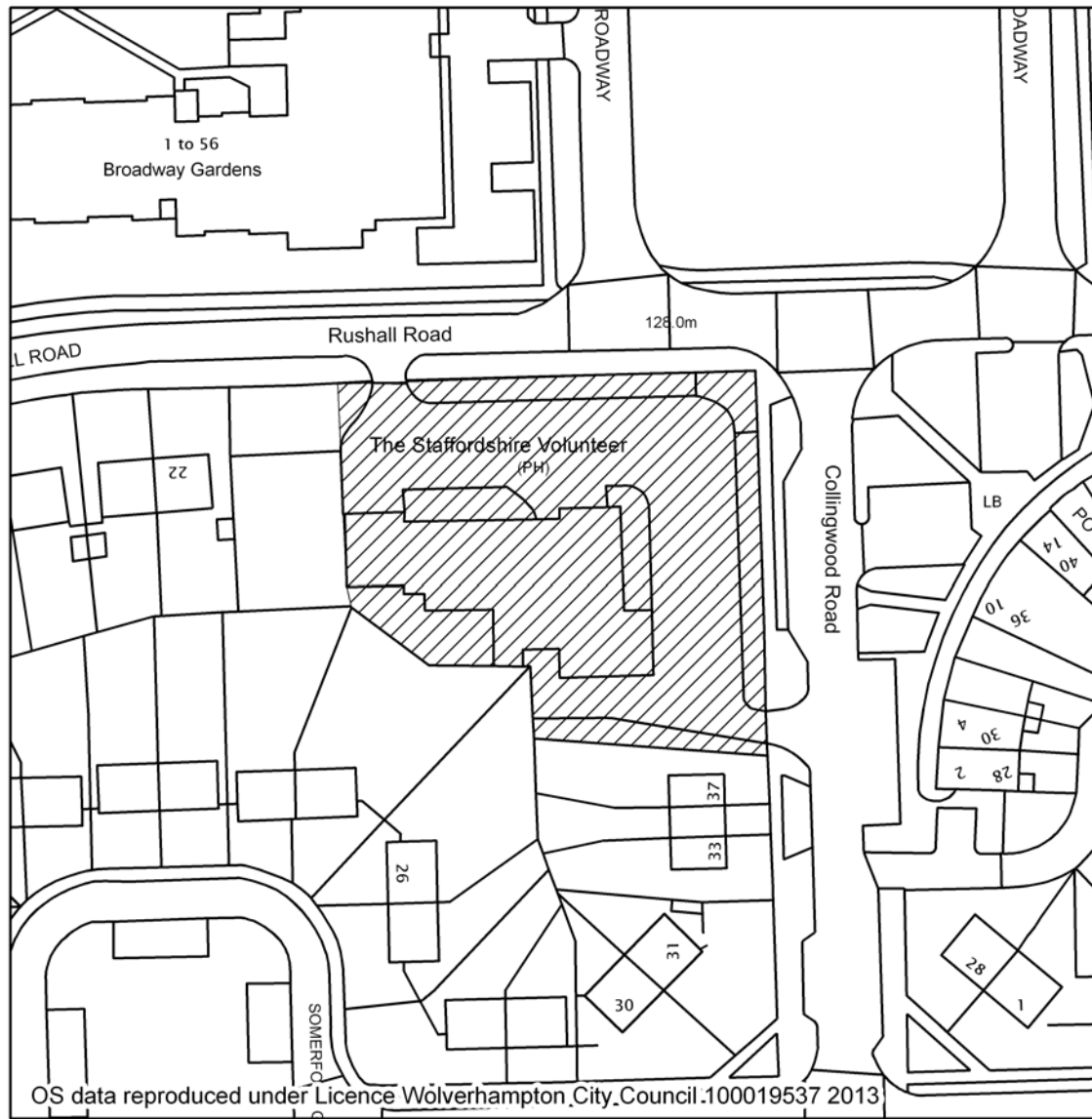
9. Conclusion

- 9.1 The proposed use is in an acceptable location, and would potentially bring a vacant unit back into occupation. The proposals are consistent and compliant with the Development Plan.

10. Recommendation

- 10.1 That planning application 13/0076/FUL be granted subject to the following conditions:
- Hours of use 11:00-23:00, Monday to Sunday
 - Hours of delivery,
 - 08:00-18:00 Monday to Saturday
 - 09:00-18:00 Sundays and Bank Holidays
 - Ventilation details
 - Noise level control on air conditioning, heating and ventilation plant

Case Officer : Mr Andy Carter
Telephone No : 01902 551132
Head of Planning – Stephen Alexander



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Planning Application No: 13/00076/FUL

Location	Staffordshire Volunteer, Collingwood Road, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 392235 302747
Plan Printed	20.02.2013	Application Site Area	2501m ²

PLANNING COMMITTEE - 05-Mar-13

APP NO: 13/00011/FUL

WARD: Bilston East

RECEIVED: 07.01.2013

APP TYPE: Full Application

SITE: Land Between Black Country Route And Railway Drive, Bilston,

PROPOSAL: Block of 107 apartments of between 6 and 11 storeys (Layout, Access, Appearance and Scale submitted for approval at this stage).

APPLICANT:

Property Lounge Partners

C/o Agents

AGENT:

Mr Michael Bates

Tweedale

265 Tettenhall Road

Wolverhampton

WV6 0DE

COMMITTEE REPORT:

1. Site Description

1.1 This site is located south of the Black Country Route, close to the Oxford Street traffic Island. Bilston Town Centre is to the north, on the opposite side of the Black Country Route. To the south-west is the Metro line and to the south east is commercial development fronting onto Brook Street. Railway Drive, a cul-de-sac, currently closed to vehicles, runs northward from Brook Street between the Metro line and the site's south-western boundary.

1.2 The site, which has been vacant for many years, is at a lower level than the Black Country Route.

2. Application Details

2.1 This is an outline application but with only landscaping reserved for later approval. Details of layout, scale, external appearance and means of access are all submitted for approval at this stage.

2.2 The application proposes a V-shaped block of 107 flats, rising in steps from six to eleven storeys. Between the arm of the "V" would be amenity space and a car park that also wraps around the northern elevation of the building, providing 56 spaces.

2.3 The exterior of the building would be clad in brick, cladding panels, and render.

2.4 The applicant's case in support of the application is the proposals will redevelop a long-standing derelict site, resulting in a land mark building at a key gateway in Bilston. They anticipate it will result in £10 million investment, the creation of jobs during the construction phase and help meet the area's housing target and also help increase the variety of new homes available in the area.

3. Planning History

- 3.1 11/00072/OUT – a block of 35 flats over four floors. The application site does not include the embankment adjoining the Black Country Route, whereas the current application site includes this area of land.
- 3.2 On 31st January 2012 Committee delegated authority to grant permission to the Interim Strategic Director of Education and Enterprise, subject to the completion of a s106 agreement to secure (if financially viable) the provision of affordable housing, public open space/play contribution and public art.

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)
Emerging Bilston Corridor Area Action Plan (AAP)
- 4.3 Supplementary Planning Guidance
SPG3 – Residential Development
Affordable Housing SPD

5. Environmental Impact Assessment Regulations

- 5.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (SI 1999/293) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 5.2 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

- 6.1 Two letters of support and two letters of objection have been received which raise the following comments:
- Provide much needed homes.
 - Boost local economy.
 - Raise the profile of the area.
 - Would compromise future development of an adjoining business.
 - Detriment to highway/pedestrian safety
 - Overdevelopment
 - Inadequate parking
 - Unacceptable visual impact / out of character/too tall
 - Detrimental to neighbour's amenity

7. Internal Consultees

- 7.1 **Transportation and Building Consultancy** – No objections.
- 7.2 **Environmental Health** - No objection subject to conditions requiring contaminated land remediation, refuse storage, submission of a noise/air quality report and mitigation measures.
- 7.3 **Trees** – No objection subject to satisfactory replacement tree planting.

8. External Consultees

- 8.1 **Local Neighbourhood Partnership** – Object; out of keeping with the visual appearance of this key gateway in Bilston; would add to the existing traffic problems; insufficient parking.
- 8.2 **Fire Service** – No objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/20022013/S).

10. Appraisal

- 10.1 Key issues:
- Acceptability of residential development
 - Layout, scale and appearance
 - Residential amenity for future residents
 - Noise and air quality
 - Access and Parking
 - Trees
 - S106 Requirements

Acceptability of Residential Development

- 10.2 The site is not allocated for any specific use in the development plan.
- 10.3 The emerging Bilston Corridor AAP states that identified housing sites will only deliver between 55% and 62% of the Core Strategy target of 4,475 homes. This under-provision will only be addressed by providing housing on other sites. The proposed development would help meet the area's housing target and also help increase the variety of new homes available in the area, in line with the AAP and BCCS Policy HOU2.

Layout, Scale and Appearance

- 10.4 The development would provide clear definition between the public and private realm, with active frontages and secure shared amenity space and car parking. Its architectural appearance would be acceptable.

- 10.5 UDP policy D7 states that the height of a building should help to achieve a strong sense of place, relate positively to the surroundings and topography and not detract from important views and landmarks.
- 10.6 While the building would be significantly higher than others in the area, it would not detract from important views or landmarks and it would be a prominent marker at this important gateway site. The apparent height, when viewed from the Black Country Route would be less than its full height because the road is 3m higher than the proposed ground floor level and the stepped roofline would reduce its visual impact.
- 10.7 The building would be 170 metres to the north-west of houses along Brook Street and so would not overshadow those properties.
- 10.8 The proposal is in accordance with UDP policies D5, D6, D7, D8, D9, D10, H12 and BCCS policies ENV2 and ENV3.

Residential Amenity of Future Residents

- 10.9 UDP policy H6 requires residential development to have adequate amenity space and acceptable orientation for sunlight and daylight.
- 10.10 The 107 flats would provide 418 bedspaces. SPG3 advises that there should be 2850sq.m. amenity space for residents. Between the arms of the "V" is shown a shared amenity space of 180sq.m. Additionally, three of the nine, ground floor flats would have private terrace areas and all of the above floor flats would have either a private terrace or balcony which would be of a useable size.
- 10.11 Thirty one flats would have a single aspect and of those 21 would have a northerly orientation and be single aspect.
- 10.12 On balance, taking account of the constraints of the site and the benefits accruing from the provision of housing on this unused site, the proposal is considered acceptable in terms of residents' amenity.

Noise and Air Quality

- 10.13 There are air quality and noise concerns due to the proximity of the site to the Black Country Route, Midland Metro and a printing works to the south east. Subject to conditions requiring the submission of noise and air quality assessments and the implementation of any required mitigation measures, a satisfactory level of residential amenity could be achieved.
- 10.14 The occupier of a commercial building to the south is concerned that the development could compromise their potential for future development. However, the building has been positioned away from the site boundary with that development. It is therefore very unlikely the proposals would compromise the ability for the future development of that business
- 10.15 The proposals are in accordance with UDP policies EP1, EP5 and BCCS policy ENV8.

Access and Parking

- 10.16 Parking for 53 cars is proposed. As the site is in close proximity to public transport links and the services and facilities of Bilston, this is acceptable and the development would be in accordance with UDP policy AM12 and BCCS policies TRAN2 and TRAN4.

Trees

- 10.17 The proposals result in the loss of poor quality poplar trees and shrubbery adjacent to the Black Country Route. The loss of these trees is necessary to ensure satisfactory parking and access arrangements without which the development proposals would not be acceptable. Subject to satisfactory replacement tree planting the proposals are acceptable and in accordance with UDP policy N1, N7, D12 and BCCS policy ENV1.

S106 Contributions

- 10.18 There is a requirement for a S106 agreement to secure:
- 25% Affordable housing (UDP policies H6 and H10)
 - £359,621 (BCIS Indexed) towards off-site open space and play in the area (UDP policy H8).
 - Public art (UDP policy D14 and BCCS policy CSP4)
 - 10% renewable energy
 - Targeted recruitment and training (BCCS policy EMP5)
 - Management company for communal areas
- 10.19 However, the agent states that given the current economic market, the development would not be sufficiently financially viable to meet the full S106 obligations.
- 10.20 On 23rd March 2011 Cabinet endorsed a flexible and proactive approach to planning obligations, in response to the economic downturn. In order to justify a reduction in the normal S106 requirements, the applicant has been invited to submit a financial viability appraisal.
- 10.21 If a reduction in normal S106 requirements on financial viability grounds is justified, such a reduction should be time limited, to encourage early development and in case viability improves over time. It is therefore recommended that a reduced public open space and play contribution, affordable housing, public art and renewable energy requirement should apply on a pro-rata basis to any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation.

11. Conclusion

- 11.1 Residential development is acceptable in principle. On balance and subject to receipt of a satisfactory coal mining risk assessment, a S106 agreement and conditions as recommended, the development would be acceptable and in accordance with the development plan.

12. Recommendation

12.1 That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/00011/OUT subject to:

1. The receipt of a satisfactory Coal Mining Risk Assessment
2. The completion of a S106 agreement to secure:

For the whole development:

- Targeted recruitment and training
- A management company for communal areas

If the development is financially viable:

- £360,000 to be spent in the area on public open space/play facilities.
- 25% affordable housing
- Public art
- 10% renewable energy

If the development is not financially viable:

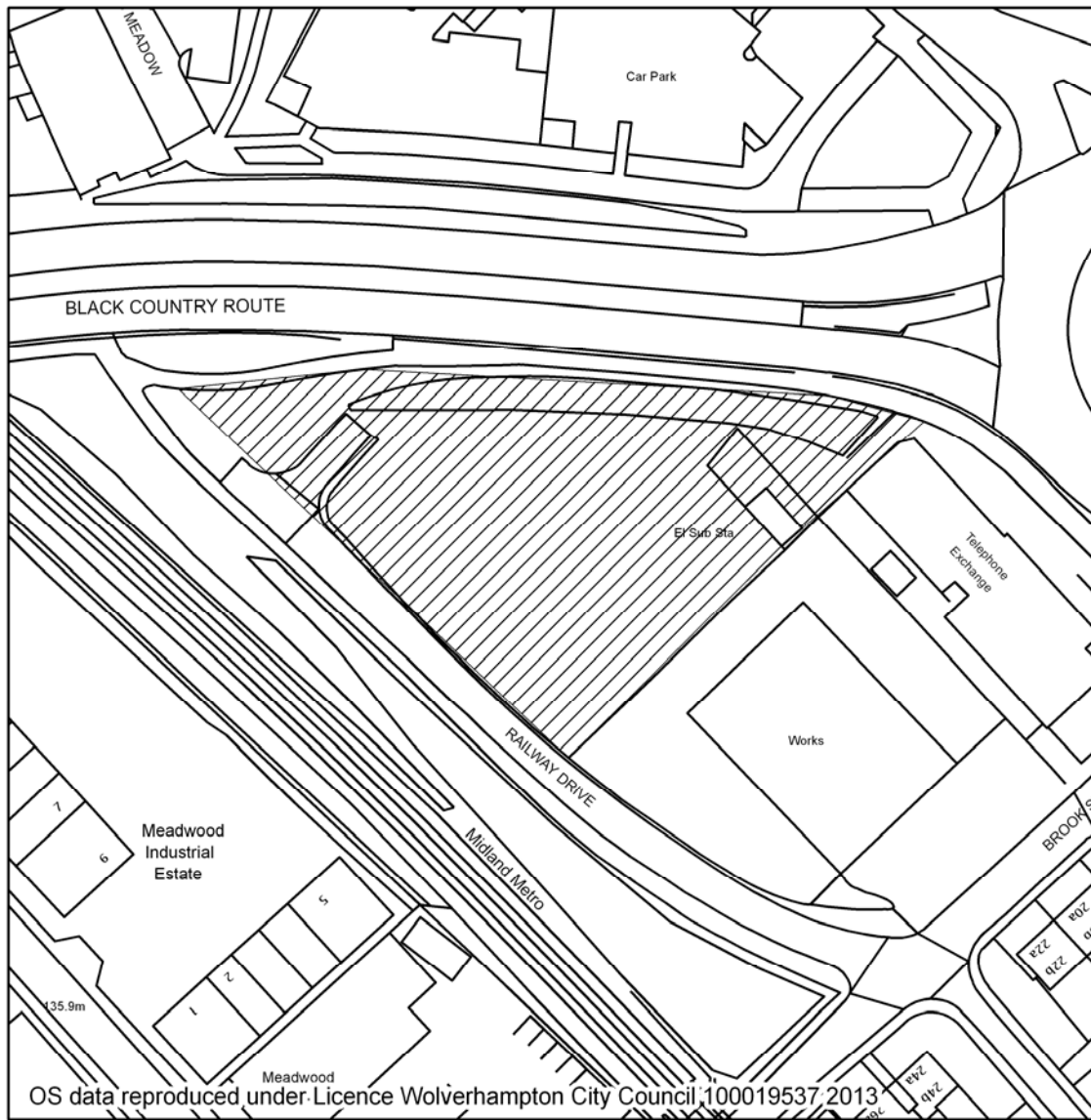
- Reduced public open space/play contribution, affordable housing, public art and renewable energy requirement, commensurate with financial viability, on a pro-rata basis for any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation.

3. Any necessary conditions to include:

- Standard outline conditions
- Landscape implementation
- Implementation in accordance with ecology report
- Tree protection
- Ground investigation and remediation
- Noise / Air Surveys and implementation of mitigation works
- Build to approved levels
- Cycle and motorcycle parking
- Refuse storage
- Provision of boundary treatments and gates to car park
- Details of retaining wall
- Site waste management plan
- Drainage
- Travel Plan
- Provision of amenity space, terraces and balconies

Note for information: The development would require alterations to the width of the carriageway on Railway Drive to accommodate a new footway on the north eastern side of the road. These works would need to be undertaken via a legal agreement under the Highways Act 1980.

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



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Planning Application No: 13/00011/FUL

Location	Land Between Black Country Route And Railway Drive, Bilston, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395212 296290
Plan Printed	20.02.2013	Application Site Area	4087m ²

PLANNING COMMITTEE - 05-Mar-13

APP NO: 12/00242/FUL

WARD: Fallings Park

RECEIVED: 02.03.2012

APP TYPE: Full Application

SITE: Fallings Park Service Station, 482 Cannock Road, Wolverhampton

PROPOSAL: Internal and external re-organisation of existing petrol filling station, including demolition of car wash, to create new burger king takeaway and drive thru restaurant

APPLICANT:

Applegreen-Petrogas Group Ltd
17 Joyce Way
Parknest
Dublin 12
Ireland

AGENT:

Turnkey Design Partnership
Unit 1
2 Elliott Road
Cirencester
Gloucestershire
GL7 1TS

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is located on Cannock Road, within the Fallings Park local centre, two miles north east of the city centre. The site operates as a petrol filling station on a 24 hour basis, and has an associated convenience store totalling 350sqm.
- 1.2 Access to the site is via a dedicated 'in' only which allows left and right turning vehicles to enter the site. The exit point is close to the junction with Cannock Road, Raynor Road and Bushbury Road, and allows vehicles to make left and right turns.
- 1.3 The total site area is 0.4ha. Four fuel dispensers, a car wash, jet wash and parking for ten customers and staff make up the forecourt. Landscaping surrounds the site and provides a green buffer with the residential properties to the north, south and west. A medium sized Co-op supermarket and the Golden Lion Public House are immediately opposite the site to the west.

2. Application details

- 2.1 The proposals are for a drive thru Burger King and sit-in restaurant providing 30 covers. The existing convenience store would be reduced in size by approximately 75% to allow space for the kitchen, toilets, store area, internal serving counter, the restaurant and external serving hatches. The existing entrance to the building would be repositioned centrally to allow better use of the internal space. The ATMs would also be relocated.
- 2.2 Externally the proposals comprise the demolition of the car wash and removal of the jet wash to create a dedicated drive thru lane separate from the fuel and

shop customers. The order point for the drive thru would be in the north east corner of the site, whilst the serving hatches (payment and pick-up) would be on the east elevation of the building. The proposals include the provision of 20 parking spaces for staff and customers (including two disabled spaces), and an option to deliver a further seven spaces for customers should they be required. Space for eight cycles and two motorcycles are also proposed.

- 2.3 The exit lane for the drive thru would be on the south and west sides of the building, joining the fuel and shop customers exiting the site onto Cannock Road. The splitter island would be extended to avoid right turning vehicles exiting the site. A 'keep clear' box junction would be provided at the entry point to allow improved access to the site. Off-site highway works would be at the expense of the applicants.
- 2.4 An acoustic fence would be provided between the exit lane of the drive thru and the nearby residential property 254 Cannock Road.
- 2.5 Proposed opening times for the restaurant are 09:00 – 23:00 Monday to Sunday, with the drive thru operating 09:00 – 00:00 Monday to Saturday and 09:00 - 23:00 on Sundays. The Burger King would employ 12 full time staff and 17 part time staff.

3. Relevant Policy Documents

3.1 National Planning Policy Framework (NPPF) (2012)

3.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP) (2006)
EP1 – Pollution Control
EP4 – Light Pollution
EP5 – Noise Pollution
SH14 – Catering Outlets
SH15 – Drive-Through Facilities
AM12 – Parking and Servicing Provision
AM15 – Road Safety and Personal Security

Black Country Core Strategy (BCCS) (2010)

CEN2 – Hierarchy of Centres
TRAN2 – Managing Transport Impacts of New Development

4. Publicity

4.1 Five representations received from four postal addresses all in objection to the proposals. One petition against the proposals with 20 signatories. The representations made the following planning comments:

- Increased traffic
- Substandard junction
- Increased noise and fumes
- Anti-social behaviour

- Increase in litter
- Odours and vermin
- Need for the facility
- Over-development of the site
- Late night deliveries
- Loss of privacy

5. **Internal Consultees**

5.1 **Transportation Development** – No objections. Secure off-site highway works through condition or s278 Agreement.

5.2 **Environmental Health** – No objections. Secure acoustic fence, delivery times, bin store, and details of extraction unit by condition.

6. **Legal Implications**

6.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal implications reference LM/18022013/Q

7. **Appraisal**

7.1 The key issues are: -

- Principle of the Use;
- Highway Implications; and
- Residential Amenity

Principle of the Use:

7.2 A drive thru is a 'centre' use and the petrol filling station site is within the defined Fallings Park local centre. Centres are typically highly accessible and allow access by a number of methods for staff and customers arriving on foot, by bicycle, by bus and by car.

7.3 There are other takeaway uses within the Fallings Park local centre on Raynor Road. The nearest alternative drive thru facility is at Cannock Road (Scotlands) local centre, 0.7 miles north west of the site.

7.4 The proposed use is acceptable within centre location, and would not result in a proliferation of takeaways in the area. The proposals are consistent with SH15 and CEN2.

Highway Implications

7.5 To improve access into the site and avoid queuing onto the highway the proposals include the widening of the entrance from Cannock Road. The proposals then separate out drive thru traffic from petrol and convenience store traffic with the introduction of a drive thru lane beginning at the widened entrance of the site.

- 7.6 Having entered the site drive thru users would reach the food order point in the north east corner of the site. On placing the order they would proceed towards the payment hatch on the east elevation of the building; and following payment collect their order at the second hatch.
- 7.7 Having collected their order users would have the choice to exit the site proceeding along the dedicated drive thru lane around the south and west side of the building, or use one of the grill bays to park their vehicle and eat their food on site.
- 7.8 The drive thru lane traffic would join the main exit with a stop line in place at the end of the lane to control vehicle movements. To stop exiting vehicles making a right hand turn onto Cannock Road the splitter island would be extended, thereby improving the flow of vehicles leaving the site and reducing the likelihood of queuing onto the highway. A 'keep clear' box junction would be provided at the access to the site to improve flows for right hand turning vehicles from Cannock Road into the site.
- 7.9 Customers for the restaurant would be able to follow the usual route into the petrol filling station, park in one of the spaces on the east side of the site, and use the pedestrian footway route (across the drive thru lane) to access the restaurant.
- 7.10 The proposed opening times of the drive thru and restaurant are from 09:00 which means there would be no increase in traffic in the morning peak time. The reduction in size of the existing convenience store may actually mean a relative drop in traffic in the morning peak. The impact on traffic congestion in the evening peak (17:00 – 18:00) is judged to be marginal. A Transport Assessment has been carried out by the applicants to detail the expected traffic demand.
- 7.11 Transportation have confirmed that the combination of the drive thru circulation layout, and the external highway changes are sufficient to ensure the proposed development would not have a significant impact upon the performance of the highway network. The proposals are consistent with AM12, AM15 and TRAN2.

Residential Amenity

- 7.12 The site is bounded on three sides by housing. The closest houses (15m distance) are a pair of semi-detached properties on Cannock Road (no. 252 and 254), immediately south of the site. The proposals include the provision of a 2m high acoustic fence between the drive thru lane and these houses. The proposed development has been designed to limit activity on the south elevation with serving hatches located on the less sensitive east elevation of the building. The Noise Assessment submitted by the applicants advises that "whilst noise emissions from the redevelopment would be regarded as being of around marginal significance at the nearest residential property, no significant change to the overall noise environment would occur."
- 7.13 Any effect on privacy from the drive thru lane for 254 Cannock Road would be minimal, since there is an existing 1.8m boundary fence, existing shrub landscape buffer, all to be retained, and a 25m distance between exiting cars and the rear of the dwelling.

- 7.14 The four properties on Newbolds Road backing onto the site are a minimum of 28m from the site boundary and 53m from the east elevation of the building where the payment and serving hatches would be located. This is sufficient distance to ensure the drive thru and associated parking spaces would not result in significant harm to the amenity of these dwellings from anti-social behaviour.
- 7.15 The proposals are consistent with EP1, EP4 and EP5.

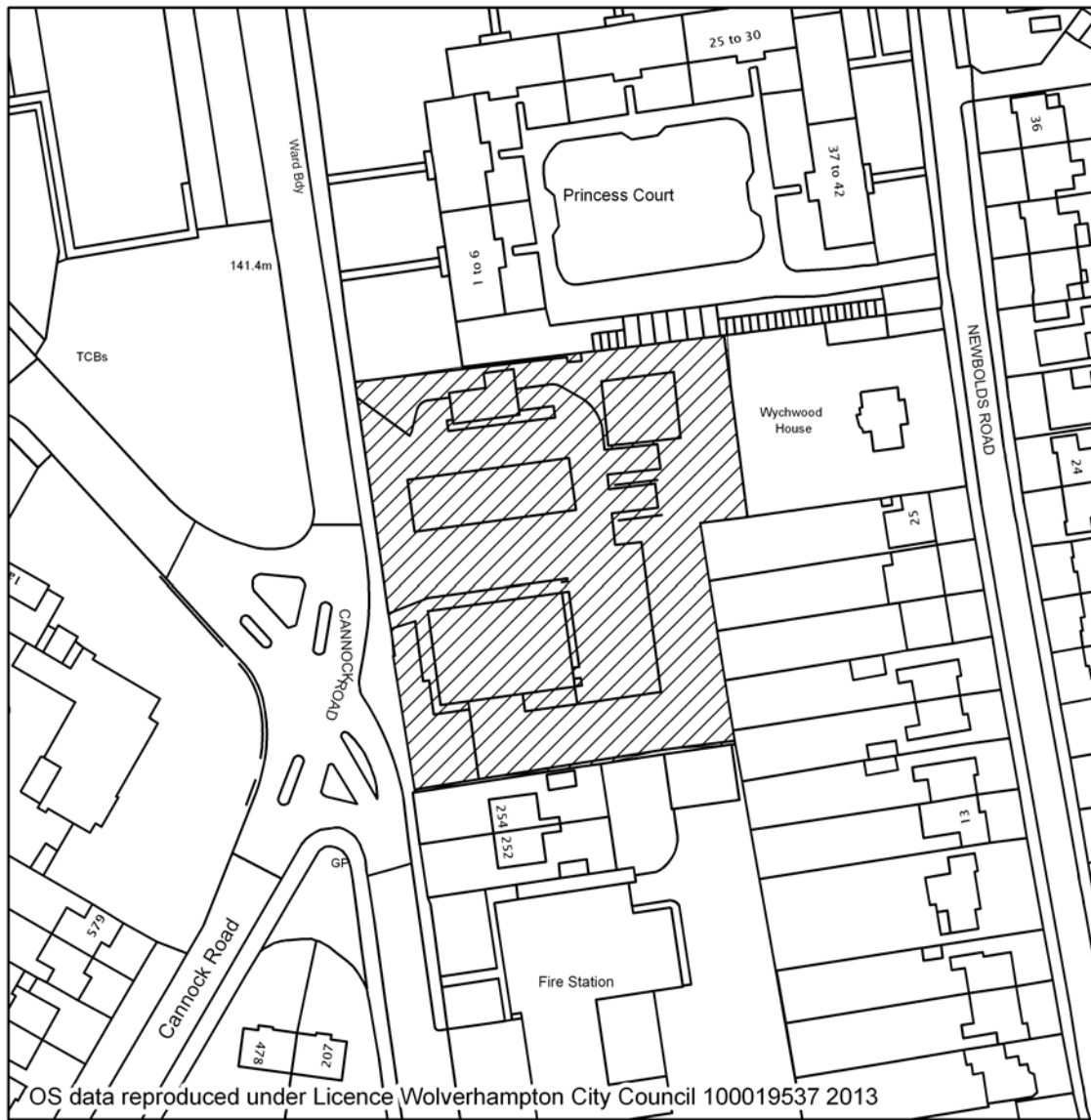
8. Conclusion

- 8.1 The proposed development is within an existing centre at a 24 hour petrol filling station. The layout and off-site highway works would ensure no significant resultant congestion on the highway network. The reduction in the size of the convenience store would potentially improve congestion in the morning peak and not result in a significant increase in the evening peak.
- 8.2 With regard to residential amenity the proposals would not have any significant effect on nearby properties due to the layout of the site, existing fencing and landscaping and the proposed acoustic fencing.
- 8.3 The proposals would deliver 12 full time and 17 part time jobs to the area.
- 8.4 The proposals are consistent and compliant with the Development Plan.

9. Recommendation

- 9.1 That planning application 12/00242/FUL be granted subject to the following conditions:
- Acoustic fence
 - Landscape details
 - Hours of use:
 - Restaurant 09:00 – 23:00 Monday to Sunday,
 - Drive thru 09:00 – 00:00 Monday to Saturday; and
 - 09:00 - 23:00 on Sundays and bank holidays
 - Hours of delivery:
 - 0800 hrs to 1800 hrs – Monday to Saturdays
 - 0900 hrs to 1800 hrs – Sundays and bank holidays
 - Highway improvement details
 - External lighting
 - Bin store details
 - Hours of bin store use
 - 0800-2000 Monday - Sunday
 - Extraction units
 - Hours of construction
 - 0800-1800 Monday – Friday
 - 0800-1300 Saturday
 - No time on Sundays and bank holidays

Case Officer : Mr Andy Carter
Telephone No : 01902 551132
Head of Planning – Stephen Alexander



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Planning Application No: 12/00242/FUL

Location	Fallings Park Service Station, 482 Cannock Road, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393050 300742
Plan Printed	20.02.2013	Application Site Area	4032m ²

PLANNING COMMITTEE - 05-Mar-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 (D1 Use) including the Extension of the Building and New Boundary Treatment

APPLICANT:

Mr Kuldip Bansal
Proimage plc
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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 was deferred from the Planning Committee meeting on the 5th February 2013 to allow a site visit to be carried out. The Planning Committee visited the site on the 12th February 2013.

2.2 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.

2.3 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.

2.4 The opening hours will be between 8am to 8pm. The peak daily activity during worship will be between 9.30–10.30am and 7–8pm. The predicted number of people visiting the property during peak activity times will be 20-30 weekdays and 150 at weekends. Weddings and funerals are not anticipated to be frequent or attended by large numbers of people.

2.5 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 Ninety-five 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 LD/18022013/H.

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 proposal would result in one type of community meeting place being replaced by another type of community meeting place. As such, the principle of the proposed change of use is considered acceptable.

10.3 As there will be no net loss of a community meeting place the proposal therefore meets the requirements 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 and support the provision of new facilities, in accessible locations.

Impact on Neighbour Amenity

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

10.5 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.

10.6 Therefore, there should be no material increase in any adverse impact on the residential amenity of neighbouring residents for this alternative community use compared to its potential for disturbance when it was in use as a Public House community use. The proposal is therefore in accordance UDP policy 'EP5 Noise Pollution'.

Highway Matters

10.7 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 are likely to be similar to that of a pub, but for less hours and at more social hours.

10.8 It is anticipated that a number of people will visit the property on foot or via public transport. The site is easily accessible via public transport. A bus stop is

located in front of the site on Dilloways Lane, and a number of bus stops are located along Moseley Road.

- 10.9 The NPPF says that the, “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 10.10 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’.

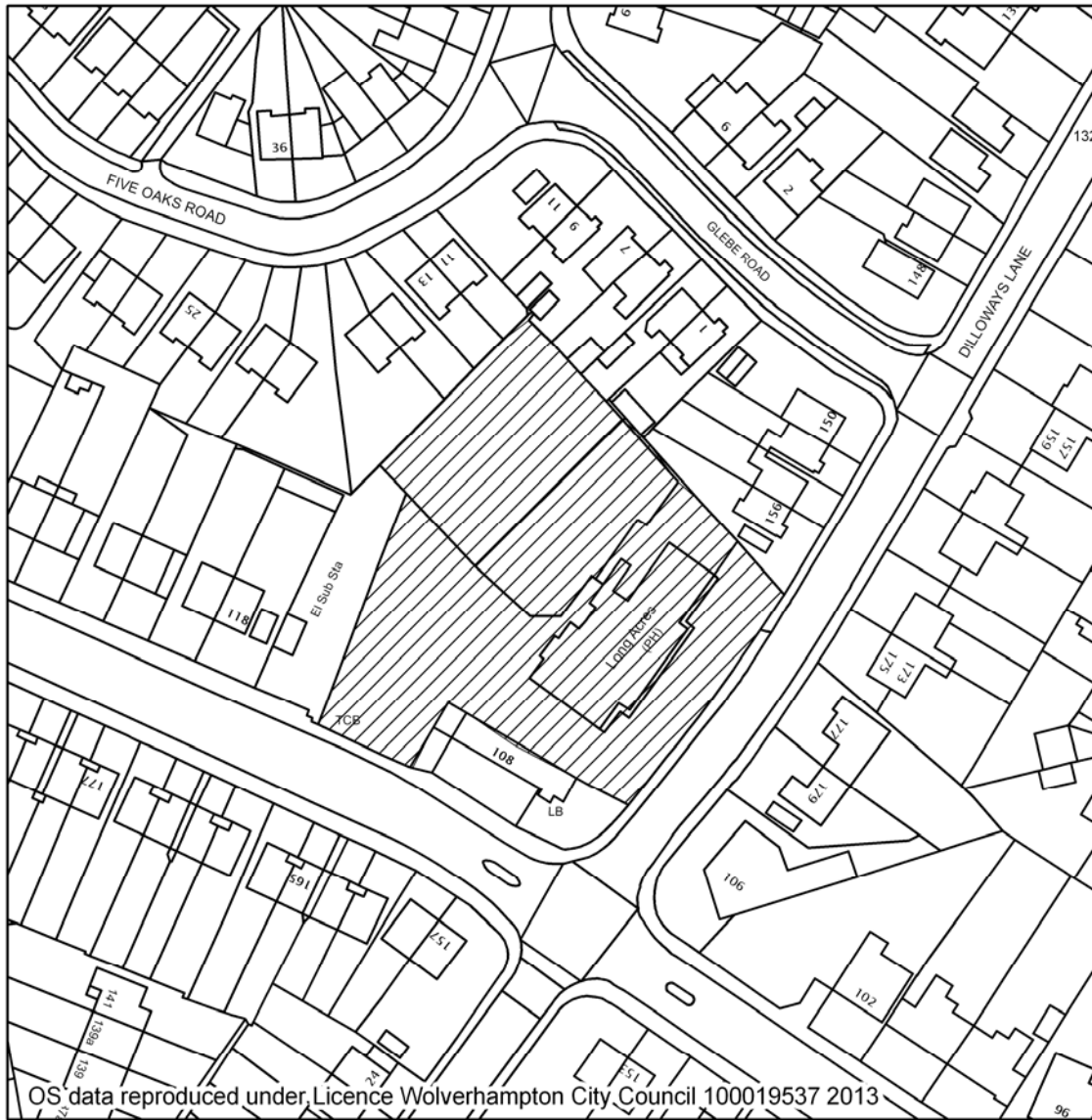
11. Conclusion

- 11.1 The proposal would bring back into use a long standing vacant building which will secure the regeneration of the site, and its continued use as community centre including a place of worship, will provide a valuable local community facility.
- 11.2 Subject to conditions as recommended, the development would be acceptable and in accordance with the NPPF and the policies of the development plan.

12. Recommendation

- 12.1 That planning application 12/00038/FUL be granted subject to the following conditions:
- (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	20.02.2013	Application Site Area	3628m ²