

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 21 May 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 (21st May 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 - 21-May-13

APP NO: 13/00185/FUL

WARD: Blakenhall

RECEIVED: 27.02.2013

APP TYPE: Full Application

SITE: 14 Ednam Road, Wolverhampton, WV4 5BL

PROPOSAL: Ground floor rear extension to provide improved patient waiting area; ramp and new patient entrance for disabled access at front of premises

APPLICANT:

Dr Aruna Vij
Dr Vij _ Partners (NHS)
Ednam Road
Goldthorn Park
Wv4 5BL

AGENT:

Christopher Jones
Border Consultancy
Barnwood Ave
Gloucester
GL4 3AH

COMMITTEE REPORT:

1. Site Description

1.1 The site comprises an existing doctor's surgery located in a former residential detached dwelling on Ednam Road. The surrounding area is predominantly residential. The former front garden space of the house is used for parking associated with the surgery.

2. Application details

2.1 The proposals are for a small rear extension to the surgery totalling 4sqm, which together with an internal reorganisation of the existing internal space will provide an improved waiting facility, modernised reception area, and improved consulting rooms.

2.2 For the purposes of disabled access to the surgery the proposals also include a new patient entrance with ramped access at the front of the building.

2.3 The applicant advises that the number of patients will stay the same, and that there will be one additional receptionist employed at the practise.

3. Planning History

3.1 A/C/2876/87 for Increase accommodation for existing services for medical surgery purposes, granted 29.01.1988.

4. Relevant Policy Documents

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

5. Environmental Impact Assessment Regulations

- 5.1 This development proposal is not included in the definition of Projects that requires a “screening opinion” as to whether or not a formal Environmental Impact Assessment as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824).

6. Publicity

- 6.1 Two representations have been received. The planning issues raised in those representations are set out below:
 - Traffic concerns
 - Lack of parking
 - Noise concerns
 - Privacy
 - Loss of amenity

7. Internal Consultees

- 7.1 **Transportation** – No objections
- 7.2 **Environmental Health** – No objections

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/07052013/J.

9. Appraisal

- 9.1 The key issues are: -

Neighbour amenity

- 9.2 The site currently operates as a doctor's surgery. Therefore the development to which the application relates is the small extension and disabled access. The size of the proposed single storey extension would not result in a loss of light or privacy to neighbouring properties. Nor would the extension preclude the property from returning to a residential use at a later date.

- 9.3 The property is detached and therefore the noise transfer from the surgery to the adjacent residential properties is considered negligible at most.
- 9.4 The proposed new entrance for disabled access purposes will be slightly closer to the boundary with 16 Ednam Road. The separating boundary between the two properties is a 1m high fence. Consequently there is some visibility between the properties. However the proposed change in entrance location is not considered to unduly impact on neighbour privacy.
- 9.5 The proposals are consistent with policies D7, D8, D9, D11 and C7 of the UDP

Parking and Highways

- 9.6 At present there are four unmarked off-street parking spaces associated with the surgery. Currently patients use on-street parking immediately outside the surgery on Ednam Road which is not protected by parking restrictions.
- 9.7 The marginal increase in floorspace and additional receptionist employed at the practise would not result in a significant deterioration of the parking and highway situation. The applicant has agreed to mark out the spaces to improve parking efficiencies.
- 9.8 The proposals are consistent with policies C7 and AM12 of the UDP.

10. Conclusion

- 10.1 The additional floorspace would allow for improved patient facilities and result in an improved and modernised surgery through the reorganisation of the internal space. The new ramp and entrance would achieve better disabled access for patients. The proposals would be in accordance with UDP and BCCS policies.

11. Recommendation

- 11.1 That planning application 13/00185/FUL be granted in accordance with the details submitted and subject to any necessary conditions to include;
- Matching materials
 - Construction hours restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday, and at no time on Sundays or Bank and Public Holidays.
 - Parking spaces marked out in accordance with the submitted plan

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



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Planning Application No: 13/00185/FUL

Location	14 Ednam Road, Wolverhampton, WV4 5BL		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391239 296522
Plan Printed	08.05.2013	Application Site Area	728m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00180/FUL

WARD: St Peters

RECEIVED: 28.02.2013

APP TYPE: Full Application

SITE: 17-25 Broad Street, City Centre, Wolverhampton

PROPOSAL: Proposed conversion and extension of existing building to create three flats and a ground floor commercial unit for A1 use

APPLICANT:

Mr M Morsy
Montfort House
Park Dale East
Wolverhampton
WV1 4TD

AGENT:

Mr Robert Robinson
AEC
334 Highters Heath Lane
Hollywood
Birmingham
B14 4TE

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is located on the corner of Broad Street and Thornley Street in the Wolverhampton City Centre Conservation Area. The development relates to 17-25 Broad Street, five commercial ground floor units with residential accommodation above at 1st and 2nd floor. The ground floor units are all catering outlets with the exception of 17 Broad Street which forms a retail unit.
- 1.2 The land to the rear of the units forms an open yard and is accessed from Thornley Street. The area is generally used for the storage of bins.

2. Application details

- 2.1 The application has been made for a three storey extension to the rear of 17-25 Broad Street to create three additional residential units, to provide a total of eight flats, and a new commercial (class A1) unit facing onto Thornley Street.
- 2.2 The proposals will create a new built frontage onto Thornley Street. Bin storage for the residential and commercial units would be accommodated within the new building and accessed from Thornley Street.

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 SPG No.3 Residential Development

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

5. **Publicity**

5.1 One representation received. This objects to the proposal on the following grounds;

- Security – new development will enable people to gain access to objectors building
- The new building will obstruct air conditioning vents.
- Access and maintenance of neighbouring building

6. **Internal Consultees**

6.1 **Environmental Health** – There is potential for late night disturbance from noise associated from the nearby food outlets, entertainment venues and traffic. It is recommended that an acoustic insulation scheme and mechanical ventilation system is provided for all habitable rooms to demonstrate that noise disturbance will not adversely affect residential amenity to an unacceptable degree. In respect of poor air quality, all air intakes shall be located on the rear façade or roof of the building.

6.2 **Historic Environment** – No objections.

7. **Legal Implications**

7.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/07052013/X

7.2 Having regard to Section 12, paragraph 137 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) Local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

7.3 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the

Conservation Area and further should regard to any representations ensuing from the publicity required under S73 of the Act. **KR/07052013/X**

8. Appraisal

8.1 The key issues are: -

- Character and appearance
- Noise Disturbance
- Impact on existing commercial operations
- Construction and security

Character and appearance

8.2 The proposed extension to the rear of 17-25 Broad Street has been well designed and would create an active street frontage along Thornley Street. This would make a significant improvement to the character and appearance of the site and the surrounding conservation area. The proposal is therefore in accordance UDP policies D9, HE4, HE5 and BCCS policies ENV2 and ENV3.

Noise disturbance

8.3 Broad Street is central to Wolverhampton's nightlife and the site is likely to be subject to late night disturbance from noise associated with the use of adjacent food outlets and entertainment venues. This could be satisfactorily addressed by appropriate acoustic insulation and ventilation measures to all habitable rooms. The requirement for these details can be conditioned and subject to this the proposal would be acceptable in respect of UDP policy EP1 and EP5.

Impact on existing commercial operations

8.4 The proposed development would provide space for refuse storage within the building to serve the existing commercial units and proposed residential dwellings. Any external flues serving the existing catering outlets would be incorporated into the proposed extension without impacting on these existing businesses. The proposal is therefore acceptable in respect of UDP policies D9, H6 and BCCS policy ENV3.

Construction and security

8.5 The proposed building would extend up to the rear boundary of the site leaving a small gap to the neighbouring building on Thornley Street. An objection has been received in respect of the construction process and the potential structural impact the development could have on the neighbouring property as well as its future maintenance. This would be addressed via the Party Wall Act 1996 and an agreement between the two landowners and is not a planning consideration.

8.6 The proposed extension would generally improve the security to the rear of the properties along Broad Street by creating a secure frontage along Thornley Street. Additional railings would be installed on the single storey element to the rear to deter people from using it to gain access to neighbouring buildings. The proposal is therefore in accordance with UDP policy D10.

9. Conclusion

- 9.1 The proposed development would make a significant improvement to the character and appearance of the conservation area. The proposal would generally improve the security of the site without significantly impacting on existing businesses along Broad Street. The proposal would be in accordance with UDP and BCCS policies.

10. Recommendation

- 10.1 That planning application reference 13/00180/FUL is granted in accordance with the details submitted and subject to any necessary conditions to include;
- Submission of materials
 - Architectural Details
 - Scheme of acoustic insulation and ventilation

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



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Planning Application No: 13/00180/FUL

Location	17-25 Broad Street, City Centre, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391622 298865
Plan Printed	08.05.2013	Application Site Area	529m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00404/REM **WARD:** Bushbury North

RECEIVED: 26.04.2013

APP TYPE: Approval of Reserved Matters

SITE: Land Bounded By The Staffordshire And Worcester Canal And, Wobaston Road, Wolverhampton,

PROPOSAL: Removal of conditions 36, 37, 38 and 39 from Outline planning permission 11/00973/VV (Creation of i54 Strategic Employment Site) relating to traffic monitoring and junction improvements north of M54 in South Staffordshire at A449 Gailey roundabout and A449 Brewood Road.

APPLICANT:

Mr Andy Mason
Staffordshire County Council
i54 Site Offices
Innovation Drive
Wobaston Road
Pendeford
Staffordshire
WV9 5AT

AGENT:

Mr Keith Webster
ANCER SPA Ltd
Royal Oak Business Centre
4 Lanchester Way
Daventry
Northamptonshire
NN11 8PH

COMMITTEE REPORT:

1. Site Description

- 1.1 The majority of the 89 hectare i54 site is in South Staffordshire. A narrow strip of land along the northern side of Wobaston Road is in Wolverhampton.
- 1.2 Land reclamation works have been carried out and access into the site has been constructed off Wobaston Road. Internal estate roads have also been constructed. A new building, to be occupied by Jaguar Land Rover, is partly constructed on Plots A and B, to the north-west of the access off Wobaston Road. Two commercial buildings, occupied by Moog and Eurofins, are on Plots H and G, to the east of the access road off Wobaston Road.

2. Application Details

- 2.1 Condition 37 requires the implementation of improvements to the junctions of A449/Gailey roundabout and A449/Brewood Road before more than 158,695sq.m. of floor space at i54 is brought into use. This condition was required by the Highways Agency.
- 2.2 Conditions 36, 38 and 39 require traffic level monitoring and a requirement to implement the junction improvement schemes at A449/Gailey roundabout and

A449/Brewood Road once a specified trip threshold has been exceeded. These conditions were required by the Highways Agency.

- 2.3 The application proposes to delete conditions 36, 37, 38 and 39 and instead proposes a financial contribution of £2.4 million to be made by Staffordshire County Council and Wolverhampton City Council which together form the i54 Development Partnership to the Highways Agency towards highway improvement works along the A449 Stafford Road between the M54 motorway and the A5 at Gailey ("Stafford Road Corridor Improvement Scheme").
- 2.4 This financial contribution was included within the i54 Joint Venture Agreement between Staffordshire County Council and Wolverhampton City Council and approved by Cabinet on 23rd March 2011 and Council at their meeting 21st September 2011.
- 2.5 The deletion of conditions as proposed is required as it is not expected that the highway improvement works at A449/Gailey roundabout and A449/Brewood Road as required by Condition 37 can be carried out in time to allow for the early development of the remaining land at i54, including Jaguar Land Rover's proposed phase 2 development.
- 2.6 As the application site spans two local authority areas, the application has been made to both authorities.

3. Planning History

- 3.1 11/00973/VV - Variation of conditions 7, 8, 17, 21, 39, 42, 46, 47, 48, 49 and 50 of outline planning permission 09/00896/VV (Creation of i54 Strategic Employment Site) to amend the requirements for off-site highway improvements to reflect a revised i54 Transport Strategy that is intended to facilitate the early development of the Major Investment Site on Plots A and B - Granted 14th December 2011.
- 3.2 09/00896/VV to 'vary' ten of the conditions on 05/2027/OP to allow for an increase in the first phase of development, which would be accessed from Wobaston Road, from the permitted 15,000sq.m. to 50,000sq.m., as a means of encouraging early interest from prospective occupiers and investors - Granted 31st March 2010.
- 3.3 05/2027/OP - Outline permission, with all matters of detail reserved for subsequent approval, for use as a strategic employment area, comprising offices, workspaces, industrial units, education and research, hotel, ancillary services, open space and associated highways, footpaths and landscaping - Granted 28th March 2007.
- 3.4 05/2026/FP - Site preparation works comprising ground remediation, excavation to create development plots, provision of infrastructure and landscaping - Granted 5 July 2006.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework
- 4.2 Wolverhampton Development Plan:
Wolverhampton Unitary Development Plan
Black Country Core Strategy (BCCS)
- 4.3 South Staffordshire Local Plan (1996) & Staffordshire and Stoke on Trent Structure Plan (1996)

5. Environmental Impact Assessment Regulations

- 5.1 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 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 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, an acceptable Environmental Impact Assessment was submitted with the outline applications to redevelop the land for use as a strategic employment site. That environmental information is adequate to assess the environmental implications of the proposals. It describes the environmental impact of the development proposals and shows how potentially adverse impacts have been addressed in the planning and design of the scheme. It also highlights environmental benefits and environmental enhancement proposals included in the scheme.

6. Publicity

- 6.1 No representations received.

7. Internal Consultees

- 7.1 **Transportation** – No objection.

8. External Consultees

- 8.1 **Highways Agency** – comments awaited.

9. Financial Implications

- 9.1 There are no additional financial implications as the costs incurred will be met from the existing approved i54 capital budget. (RT/10052013/S)

10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/01052013/N).

11. Appraisal

Conditions 36, 37 38 and 39

- 11.1 The deletion of these conditions is acceptable and will allow for the early development of the remaining land at i54, subject to completion of a s106 agreement to include for a financial contribution of £2.4 million to be made to the Highways Agency towards highway improvement works along the A449 Stafford Road between the M54 motorway and the A5 at Gailey (“Stafford Road Corridor Improvement Scheme”).

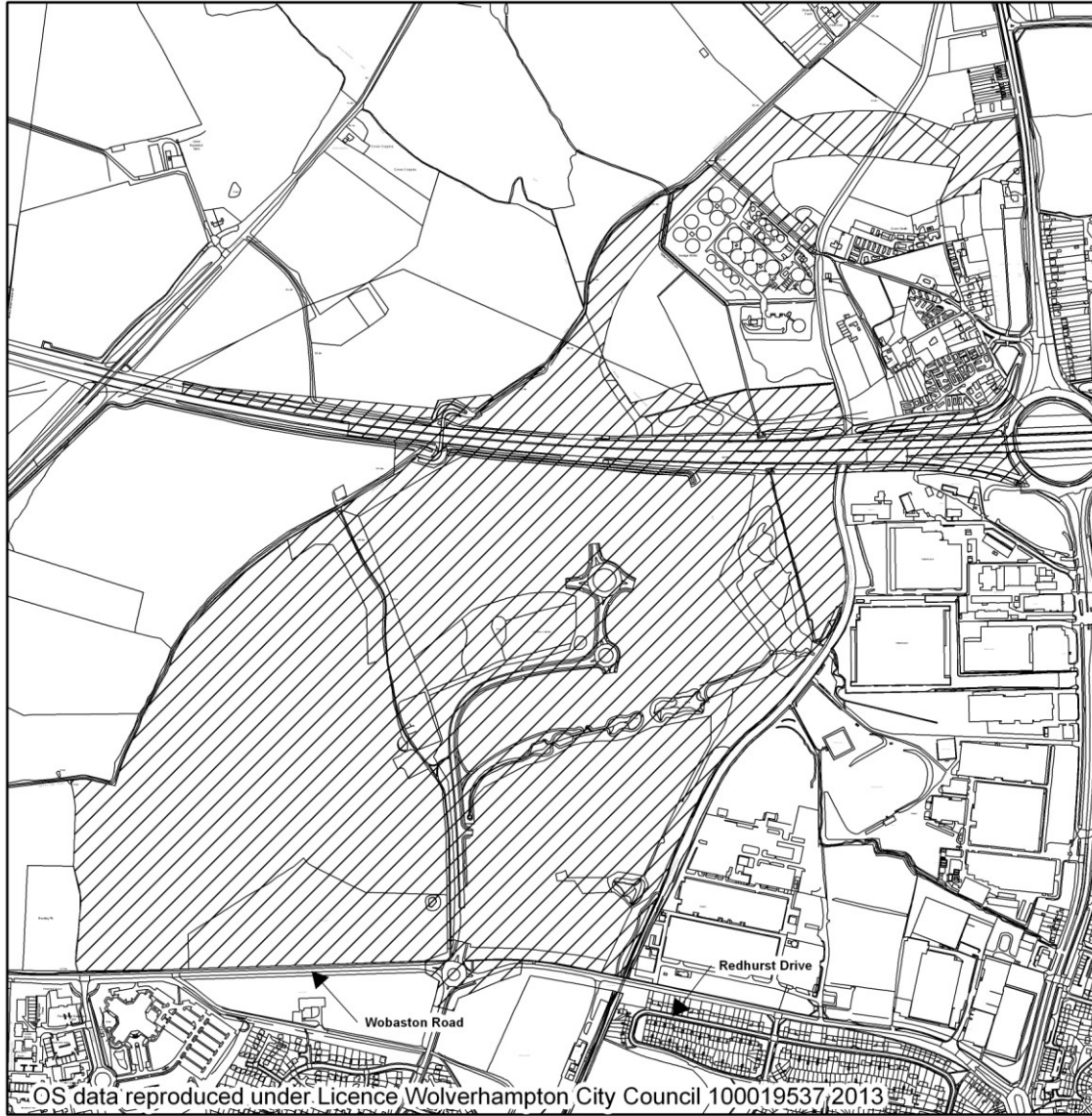
12. Conclusion

- 12.1 Subject to a S106 agreement and conditions as recommended, the proposal is acceptable and in accordance with the development plan.

13. Recommendation

- 13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/00404/REM subject to:
- (i) Completion of a s106 agreement to include for a financial contribution of £2.4 million to be made by Staffordshire County Council and Wolverhampton City Council which together form the i54 Development Partnership to the Highways Agency towards highway improvement works along the A449 Stafford Road between M54 motorway and the A5 at Gailey (“Stafford Road Corridor Improvement Scheme”).
 - (ii) Any relevant conditions from 11/00973/VV.

Case Officer : Mr Phillip Walker
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Head of Planning – Stephen Alexander



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Planning Application No: 13/00404/REM

Location	Land Bounded By The Staffordshire And Worcester Canal And, Wobaston Road, Wolverhampton,		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 390819 303552
Plan Printed	08.05.2013	Application Site Area	1150616m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 12/00866/OUT **WARD:** Heath Town

RECEIVED: 23.07.2012

APP TYPE: Outline Application

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

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

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

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

COMMITTEE REPORT:

1. Background

- 1.1 This application was reported to Planning Committee on 4th December 2012. Committee delegated authority to the Director for Education and Enterprise to grant permission subject to the signing of a Section 106 Agreement. The delegation allowed for a waiver of S106 obligations (affordable housing, renewable energy and public art), subject to a lack of financial viability being demonstrated, for three years from the date of the Committee meeting.
- 1.2 It has taken five months for the applicant to demonstrate a lack of financial viability, but now this has been confirmed by the District Valuer.

2. Site Description

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

3. Application Details

- 3.1 The layout, which is submitted for determination at this stage, shows 69 detached houses. The indicative details suggest that there would be 52 four bed roomed houses and 17 three bed roomed houses.

4. Relevant Policy Documents

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

5. Environmental Impact Assessment Regulations 2011

- 5.1 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The “screening opinion” of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

6. Publicity

- 6.1 Four representations raise concerns regarding; overlooking; noise disturbance; air pollution; loss of security; tenure; drainage. The Heathfield Neighbourhood Plan Group query whether this site should be redeveloped for housing as it is currently occupied by a factory.

7. Internal Consultees

- 7.1 Environmental Health – No objections subject to conditions relating to contaminated land remediation; acoustic attenuation and site waste management.
- 7.2 Transportation Development – No objections.

8. External Consultees

- 8.1 Severn Trent Water and the Environment Agency raise no objection subject to conditions requiring the development to be in accordance with the Flood Risk Assessment.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications (LM/01052013/D).

10. Appraisal

- 10.1 On 4th December 2012 Planning Committee resolved to grant outline planning permission for 69 houses on this allocated housing site.
- 10.2 Since this application was last considered by Planning Committee it has been demonstrated that the development would not be sufficiently financially viable to meet the normal policy requirement for affordable housing, renewable energy or public art. In accordance with the Council's flexible approach to S106 agreements (endorsed by Cabinet. 23rd March 2011) it is recommended that the requirement for those S106 obligations should be waived, on a pro-rata basis for any houses that are ready for occupation within 3 years of the date of this Committee meeting, with the full requirement applying to those that are not ready for occupation by that date.

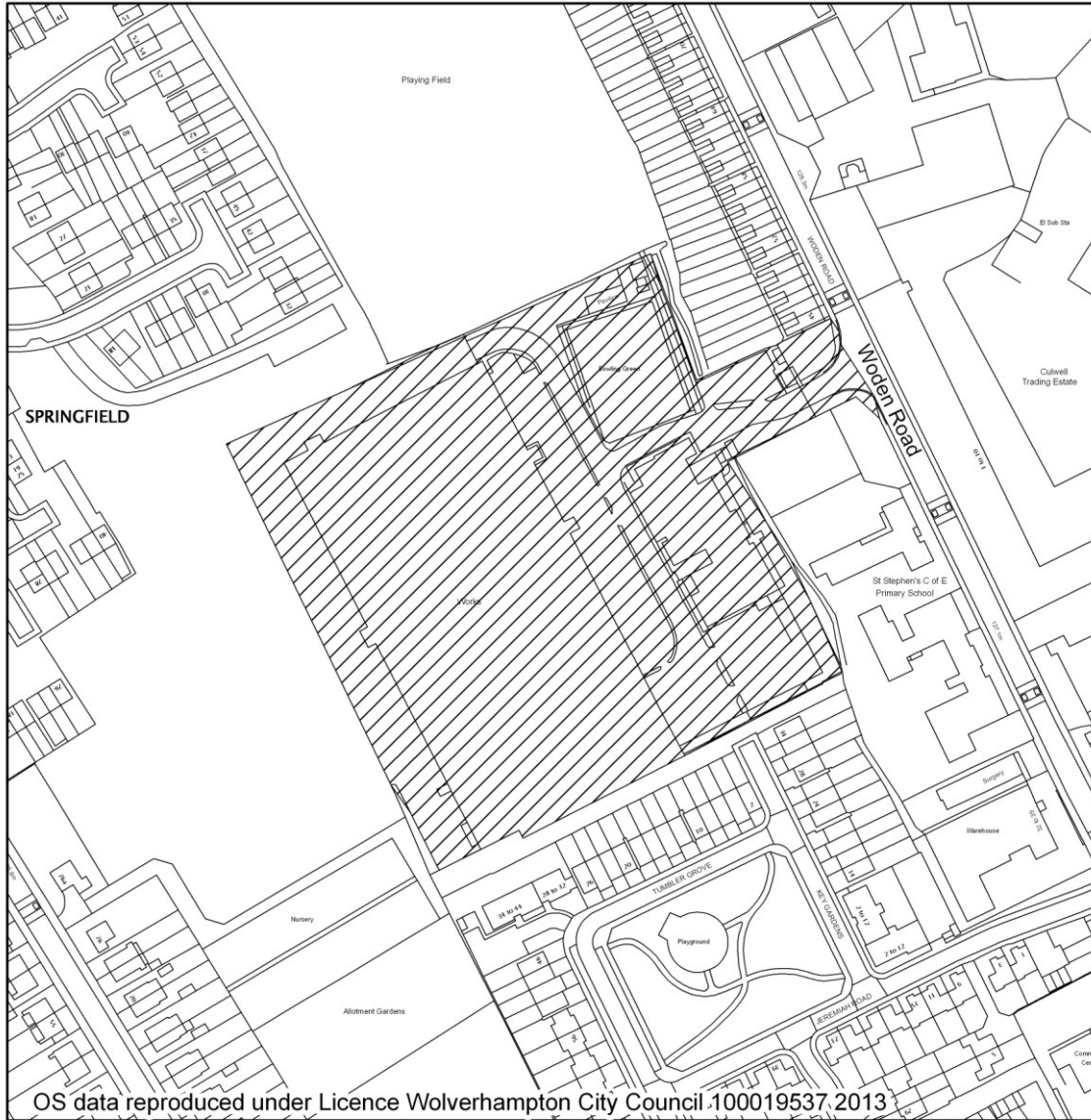
11. Conclusion

- 11.1 The development is acceptable and in accordance with the development plan, subject to a S106 agreement and conditions as recommended.

12. Recommendation

- 12.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00866/OUT subject to:
1. The completion of a S106 agreement to secure:
 - Targeted recruitment and training
 - Affordable housing, public art (BCIS indexed), 10% renewable energy on a pro-rata basis for all houses that are not ready for occupation within three years of the date of this Committee meeting.
 2. Any necessary conditions to include:
 - Submission of reserved matters
 - Drainage
 - Levels
 - Boundary treatments

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



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Planning Application No: 12/00866/OUT

Location	Gunnebo UK Limited (Formerly Chubbs Safe Ltd), Woden Road, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 392484 299597
Plan Printed	08.05.2013	Application Site Area	25697m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00130/FUL

WARD: Ettingshall

RECEIVED: 12.02.2013

APP TYPE: Full Application

SITE: Former Rough Hills Tavern, Rooker Avenue, Wolverhampton

PROPOSAL: Residential Development Comprising Demolition of Public House and Erection of 15 Dwellings

APPLICANT:

Bromford Group
1, Exchange Court
Brabourne Avenue
Wolverhampton Business Park
Wolverhampton
WV10 6 AU

AGENT:

Mr Nicholas Mitchell
Zebra Architects
Stablemasters Cottage
Basin Road
Diglis
Worcester
Worcestershire
WR5 3DA

COMMITTEE REPORT:

1. Site Description

- 1.1 The Rough Hills public house dates from the 1970s. It has been closed for some time and is boarded up and in a dilapidated condition.
- 1.2 The area is predominantly residential, although there is a small parade of shops approximately 150m away. The site overlooks a large area of public open space.

2. Application Details

- 2.1 The application proposes the demolition of the public house and its replacement with 15 houses, four with three bedrooms and eleven with two bedrooms. All would be built of brick and have a traditional appearance.
- 2.2 Eight houses would front onto Rooker Avenue, with the rest on either side of a new cul-de-sac at right angles to the main road.

3. Planning History

- 3.1 07/01765/OUT - Demolition of existing building and development of elderly persons care home (Class C2) – Granted 11.02.08.

- 3.2 07/00392/FUL - Demolition of public house and erection of 7 houses, apartments and a bungalow – Granted 22.05.07.

4. Relevant Policy Documents

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

5. Environmental Impact Assessment Regulations

- 5.1 This development proposal is not included in the definition of Projects that requires a “screening opinion” as to whether or not a formal Environmental Impact Assessment as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824).

6. Publicity

- 6.1 No representations have been received.

7. Internal Consultees

- 7.1 **Transportation & Environmental Services** – No objections.

8. External Consultees

- 8.1 **Severn Trent Water Ltd / West Midlands Police / The Coal Authority** – No objections.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/29042013/W

10. Appraisal

- 10.1 The key issues are:
- Principle of Residential Development
 - Design
 - Planning Obligations (S106)

Principle of Residential Development

- 10.2 The public house has been vacant since 2007. Planning permission has previously been granted for its redevelopment, which establishes the principle of the loss of the pub and its redevelopment for housing. The proposal is in accordance with BCCS policies HOU1 and HOU2.

Design

- 10.3 Density and scale are appropriate for this location. Building lines would be respected and an active street frontage provided. External materials would be in keeping with the area. The privacy, daylight and outlook of neighbouring occupiers would be respected. The proposal is therefore in accordance UDP policies D4, D5, D6, D7, D8, D9, D10 and H6, and BCCS policy ENV3.

Planning Obligations

- 10.4 In accordance with adopted planning policies D14 and H8 of the UDP and HOU3 of the BCCS the following are required:
- A contribution of £40,000 for the provision/enhancement of off-site open space/play.
 - 25% Affordable Housing
 - Public art (1% of construction costs).
 - A scheme for targeted recruitment and training.
 - 10% renewable energy.

11. Conclusion

- 11.1 Subject to a S106 agreement and conditions as recommended, the development would be acceptable and in accordance with the development plan.

12. Recommendation

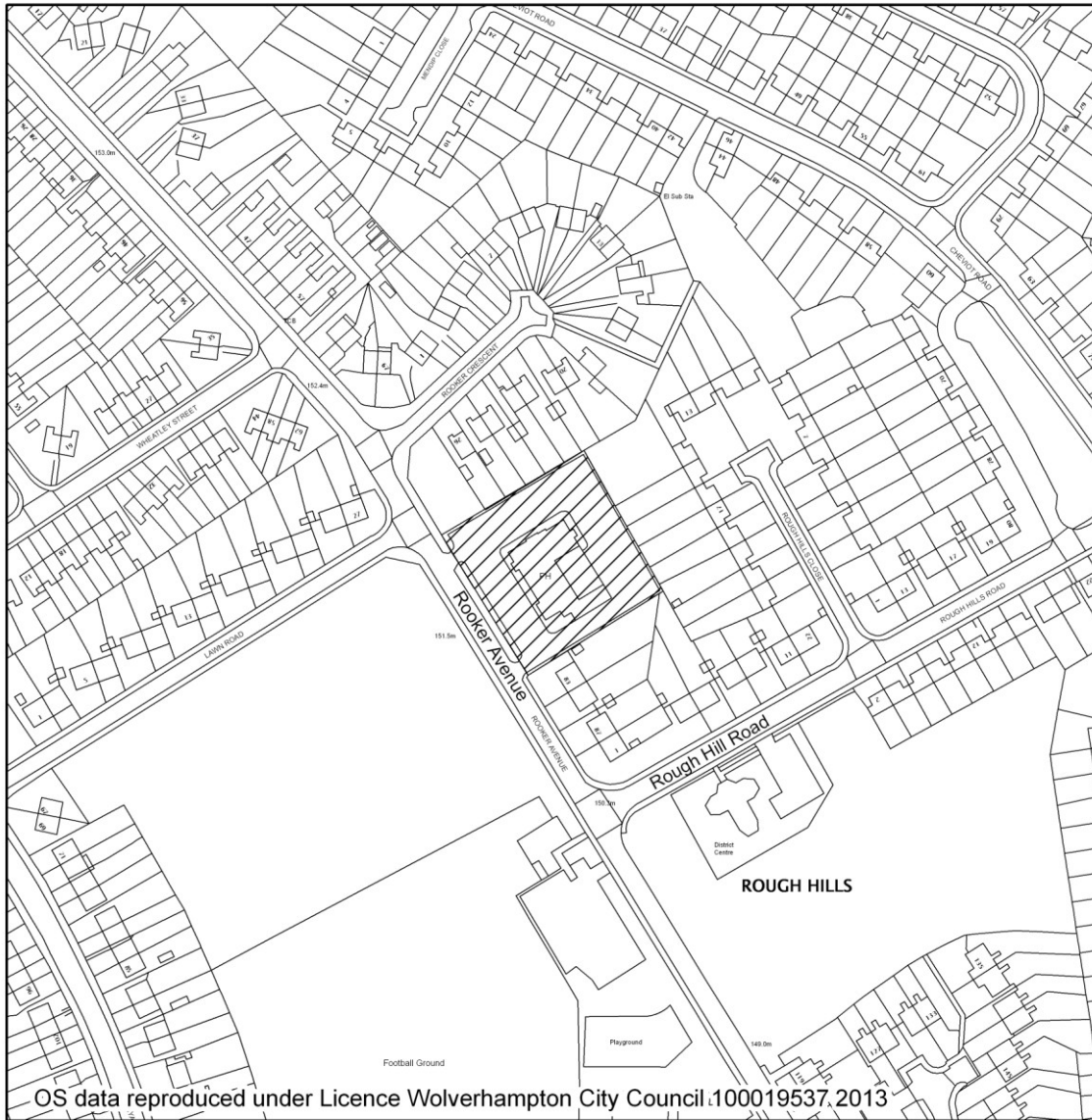
- 12.1 That the Strategic Director for Education and Enterprise to be given delegated authority to grant planning application 13/00130/FUL subject to:
- (i) A Section 106 Agreement to include:
 - 25% Affordable Housing
 - £40,000 off-site open space/play contribution -BCIS indexed
 - Public art
 - A scheme for targeted recruitment and training
 - 10% renewable energy
 - (ii) Any necessary conditions to include:
 - Materials
 - Levels
 - No gating of new road
 - Landscaping
 - Further ground investigation
 - Drainage
 - Construction waste management plan

- Measure to mitigate impact of construction on local residents including no construction outside hours of 0800-1800 Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
- Removal of permitted development rights

Case Officer : Mr Morgan Jones

Telephone No : 01902 555637

Head of Planning – Stephen Alexander



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Planning Application No: 13/00130/FUL

Location	Former Rough Hills Tavern, Rooker Avenue,Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 392668 296843
Plan Printed	08.05.2013	Application Site Area	2999m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00282/FUL **WARD:** Wednesfield North

RECEIVED: 21.03.2013

APP TYPE: Full Application

SITE: Linthouse Inn, Linthouse Lane, Wolverhampton

PROPOSAL: Demolition of public house and erection of 12 semi-detached houses.

APPLICANT:

Mr S Alexander
Alexander Mason LTD
Prestwood Barn
Laithouse Lane
Wednesfield
Wolverhampton
WV11 3TT

AGENT:

Mr Scott Thompson
Dove Architectural Design
2 East Drive
Doveridge
Ashbourne
Derbyshire
DE6 5NJ

COMMITTEE REPORT:

1. Site Description

- 1.1 This former pub site has frontages onto Linthouse Lane and Shardlow Road. The building was recently demolished.
- 1.2 The area is predominantly residential in character and includes a mixture of dwellinghouse styles. The site is on the edge of the City. On the opposite side of Linthouse Lane are fields located within Staffordshire.

2. Application Details

- 2.1 Twelve semi-detached houses are proposed, six fronting onto Linthouse Lane and six fronting onto Shardlow Road.

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 Note 3: Residential Development (SPG3)

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

5. Publicity

- 5.1 One representation received which raises the concern that the foul drainage system in the area may be in a poor condition.

6. Internal Consultees

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

7. External Consultees

- 7.1 **South Staffordshire District Council** – Comments awaited.
- 7.2 **Coal Authority** – No objections.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/29042013/B.

9. Appraisal

- 9.1 The site is located in a residential area and is suitable for residential development in accordance with BCCS policies HOU1 and HOU2.
- 9.2 The proposed layout follows the established pattern of the area. Access and parking arrangements are acceptable. The external appearance is satisfactory and so is the relationship with neighbouring properties. The proposal is therefore acceptable and in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9 and D10 H6, AM12, AM15 and BCCS policies ENV3, CSP4, WM5 and TRAN2.
- 9.3 A S106 agreement is required to secure a financial contribution towards off-site public open space and play provision and/or enhancement.

10. Conclusion

- 10.1 Subject to a conditions and a S106 agreement as recommended, the proposal is 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 13/00282/FUL subject to:

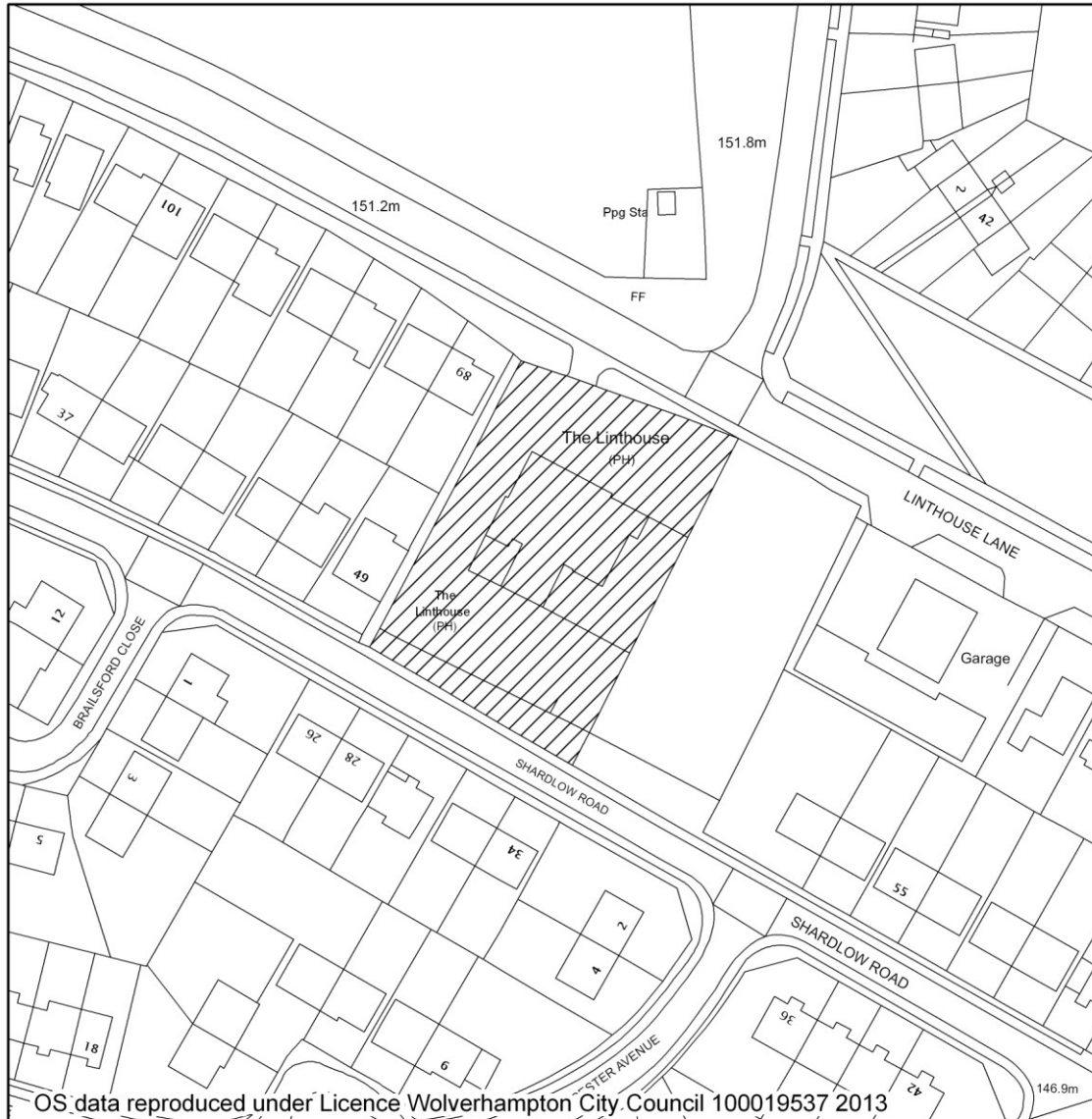
(i). A Section 106 Agreement to include:

- Contribution for the provision/enhancement of off-site open space/play (BCCS indexed)

(ii). Any necessary conditions to include:

- Materials
- Boundary treatments
- Landscaping
- Drainage
- Remove permitted development rights for extensions and out buildings
- Contaminated land remediation
- 10% renewable energy
- Levels
- Construction waste management
- Measures to preserve the amenity of neighbours during construction

Case Officer : Mr Andrew Johnson
Telephone No : 01902 551123
Head of Planning – Stephen Alexander



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Planning Application No: 13/00282/FUL

Location	Linthouse Inn, Linthouse Lane, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395508 301552
Plan Printed	08.05.2013	Application Site Area	2268m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00309/FUL **WARD:** Oxley

RECEIVED: 28.03.2013

APP TYPE: Full Application

SITE: 66 Oxley Moor Road, Wolverhampton, WV10 6TU

PROPOSAL: Shopfront to Existing Building (redundant Public House)

APPLICANT:
SEP Properties
Dudley House
Stone Street
Dudley
DY1 1NP

AGENT:
Mr Paul Lees
paul lees designs
14 Sonning Drive
Wolverhampton
WV9 5QN

COMMITTEE REPORT:

1. Site Description

- 1.1 The premises is the former Hop Pole public house which is no longer in use.
- 1.2 The premises is located in predominately residential area.
- 1.3 A pedestrian route runs along the side of the property which links Oxley Moor Road and Probert Road. However, the pedestrian route is not a public right of way.

2. Application details

- 2.1 The proposal is to replace the first floor and ground floor windows. The ground floor windows will be replaced by the new shopfront which consists of five separate units. Two of the doors on the front elevation will also be replaced.
- 2.2 The replacement windows at first floor level will be approximately the same size. The new ground floor windows will be extended in length to allow better views into the premises. The two replacement front doors are to be two panel glazed. The original first floor rear windows are to be retained. The rear ground floor windows are to be bricked up. It is understood that the premises is to be used as a A1 shop.

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.5: Shopfront Design Guide

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

5. Publicity

- 5.1 Eleven letters of objection have been received. A summary of the objections include;

- Danger to pedestrian safety
- Inadequate parking provision
- Increase in traffic
- Late night/early morning activity
- No demand for development
- Noise disturbance
- Out of character
- Unacceptable visual impact
- Undesirable precedent
- Litter
- Existing on street parking

6. Internal Consultees

- 6.1 **Environmental Health** – Operational hours during the construction phase to be restricted.

- 6.2 **Transportation Development** –

- Remarking of existing car park
- Additional disabled parking bay
- One way system through the site

7. Legal Implications

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

- 7.2 The former lawful use of the premises as a public house is under Class A4 (Drinking Establishments) and the proposed shop use is under Class A1 (Shops) of the Town and Country Planning (Use Classes) Order 1987. The

change of use from a Class A4 use to a Class A1 use does not require planning permission as it is permitted development under Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995. KR/07052013/O.

8. Appraisal

8.1 The key issues are: -

- Design;
- Streetscene;
- Change of use

Design

8.2 The design of the proposed shopfront is considered to be a good quality design which is in keeping with the character and appearance of the property and is in accordance with UDP Policy D9, BCCS Policy ENV3 and SPG5.

8.3 The proposed shopfront would allow surveillance into the premises and would help to reduce crime and promote community safety. The proposal is in accordance with UDP policy D10.

Streetscene

8.4 The proposed shopfront is considered to be acceptable in the streetscene as it is not overly dominant on the façade of the building. The separation of the shopfront into five separate units and the retention of the pilasters and cornices around the entrance doors helps to retain the character of the building. The shopfront is considered to be in accordance with UDP Policy D6.

Change of use

8.5 As stated at paragraph 7.2 the change of use from Class A4 (Drinking Establishment) to Class A1 (Shop) does not require planning permission as it is permitted development.

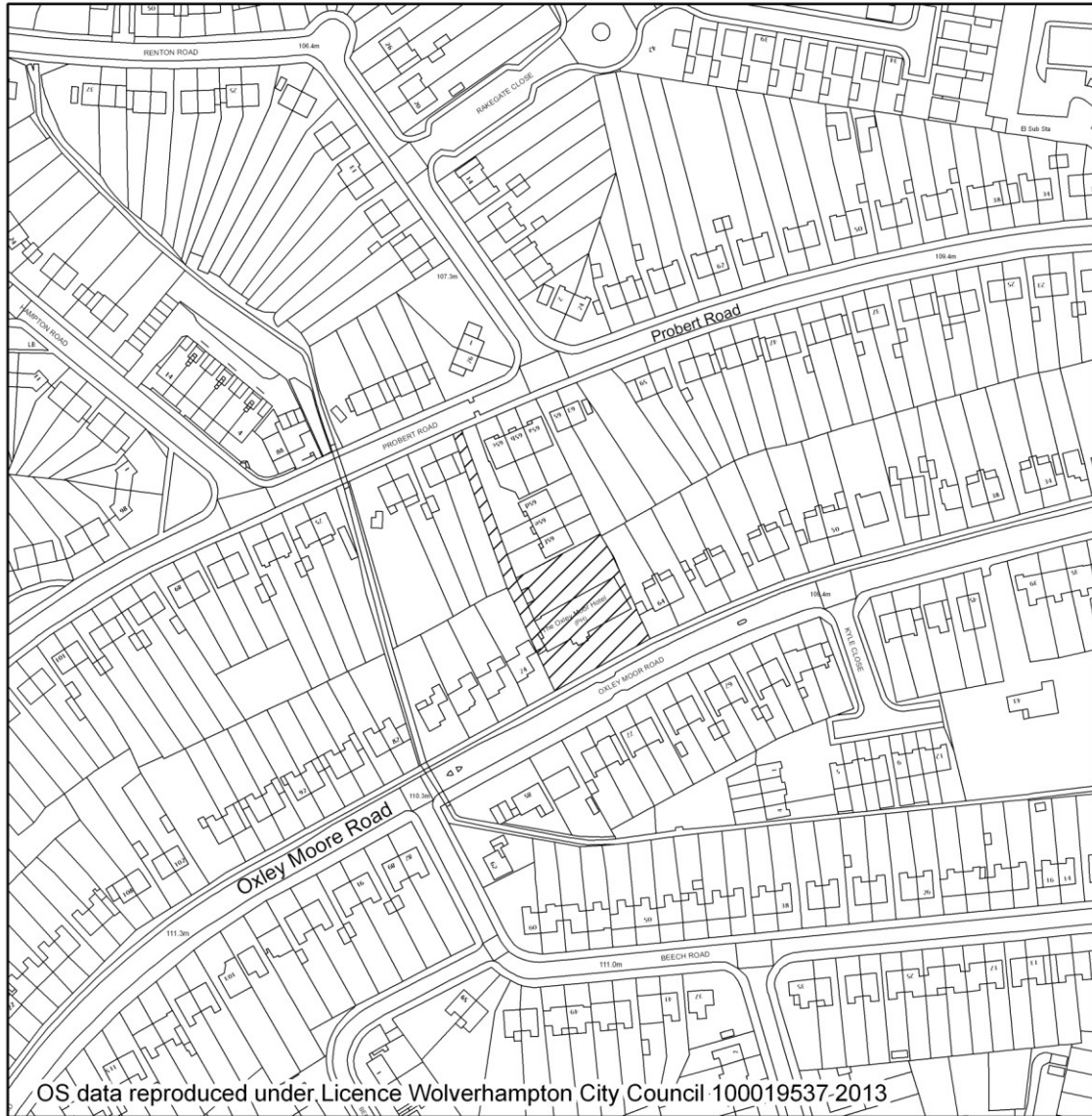
9. Conclusion

9.1 The proposed shopfront is considered to be a quality design which is in character and appearance of the premises. The proposal is considered to be acceptable in the streetscene and allows views into the premises to help reduce crime and promote community safety.

10. Recommendation

10.1 That planning application 13/00309/FUL be granted subject to standard conditions to include;
Restricted hours during construction.

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



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Planning Application No: 13/00309/FUL

Location	66 Oxley Moor Road, Wolverhampton, WV10 6TU		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 390847 302090
Plan Printed	08.05.2013	Application Site Area	1641m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00137/OUT **WARD:** St Peters

RECEIVED: 08.02.2013

APP TYPE: Outline Application

SITE: Land Adjoining 133, Dunstall Hill, Wolverhampton

PROPOSAL: Outline application for two detached two storey dwellings with all matters reserved.

APPLICANT:
Wolverhampton City Council
Education And Enterprise
Housing Services
Civic Centre
Wolverhampton

AGENT:
H Kaur
Wolverhampton City Council
Education And Enterprise
2nd Floor
Civic Centre
Wolverhampton

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site comprises of a plot of land, owned by the Council. The site was formerly used for car parking but has remained vacant and unused since the last 2 years.
- 1.2 The site is located to the north of the city within residential area. However the Dunstall Hill Trading Estate adjoins the northern and eastern boundary of the site.

2. Application Details

- 2.1 The application seeks outline planning permission for a residential development scheme consisting of two detached two storey dwellings.
- 2.2 The application is accompanied by an indicative layout which demonstrated that two dwellings can comfortably be accommodated within the site.

3. Planning History

- 3.1 09/01003/DWO for Outline application with all matters reserved. Erection of two detached two storey houses.
Withdrawn - 11.02.2010.

4. Constraints

- 4.1 Mining Advice Area
Land fill Gas Advice Note 1

5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 5.3 Other relevant policy documents:
Supplementary Planning Guidance No.3 – 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 One individual representation has been received, and a petition with 10 signatures in objection to the proposal, the reasons for objection include:
 - Lack of parking for local residents and visitors
 - Site is used for emergency vehicles and refuse vehicles as a turning area.
 - Road is congested and very narrow in width.

8. Internal Consultees

- 8.1 **Environmental Health** – No objection, subject to conditions requiring a site investigation for physical and chemical contamination, a restriction on operational hours during construction
- 8.2 **Transportation Development** – Concerns raised as the car park is currently utilised as a turning area by refuse vehicles. It is however recognised that this only occurs as vehicles regularly park in the turning head. It is also recognised that the car park is underutilised.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications. Legal implications reference LM/29042013/V

10. Appraisal

- 10.1 The key issues are:-

- Principle of Residential Development
- Scale and Layout
- Residential Amenity
- Highway Safety

Principle of Residential Development

- 10.2 The site was formerly used for car parking but has remained vacant and unused for the last 2 years. This has been confirmed by Wolverhampton Homes who has carried out a monitoring programme to establish whether the redevelopment of the site would displace cars onto the roads.
- 10.3 The site is located within a residential area, near the City Centre, and is suitable for residential development. The proposal would help meet the housing requirements for Wolverhampton. It is therefore considered that the proposal is an entirely appropriate use for this location in line with BBCS policies HOU2 and HOU2 and UDP policy CC4.

Scale and Layout

- 10.4 All matters are reserved on this outline application, however the application is supported by an indicative layout which demonstrates that two dwellings can comfortably be accommodated within the site. The Design and Access Statement indicates that the proposal would consist of two storey dwellings which would be in keeping with height and scale of neighbouring dwellings.

Residential Amenity

- 10.5 The proposed development is located within a predominantly residential area. It proposes two dwellings which are shown sited sufficiently away from the neighbouring properties so as not to have any adverse effects.
- 10.6 A landscape buffer would be provided to the southern perimeters of the site to further protect the amenity of the residential occupiers on site and those located adjoining. It is therefore considered that the proposal would not have negative impact upon neighbouring amenity and meets the requirements for planning policies D7 and D8.

Highway Safety

- 10.7 The site will continue to be accessed via Dunstall Hill and a sufficient amount of parking spaces could be accommodated within the site to serve the needs of the development.
- 10.8 The site was monitored by Wolverhampton Homes over the past 2 years and has remained vacant and unused by the local residents.
- 10.9 It is recognised that the loss of the car park raises some highway safety concerns as the car park is currently utilised as a turning area by refuse vehicles. However, this only occurs because vehicles are regularly being parked in the turning head despite parking restrictions and therefore is not a defensible planning objection.
- 10.10 Following the introduction of the National Planning Policy Framework in March 2012, “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. The

transportation concerns have been carefully considered and on balance it is considered that the transportation impact of the proposed development will not be severe. The proposal therefore accords with UDP policy and AM12.

11. Conclusion

- 11.1 The principle of the proposed development is considered acceptable and in accordance with the NPPF and all relevant UDP and BCCS policies
- 11.2 The proposed development is located within a predominantly residential area, sited sufficiently at a distance from the neighbouring properties at the end of cul-de-sac and is suitable for residential development.
- 11.3 A sufficient amount of parking spaces would be accommodated within the site to serve the needs of the development.

12. Recommendation

- 12.1 That planning application 13/00137/OUT is granted subject to any necessary conditions including:-
- Site investigation
 - Contaminated land
 - No construction outside hours of 0800-1800 Monday – Friday, 0800-1800 Saturday and at no times on Sundays or Bank Holidays.
 - Drainage
 - Materials
 - Boundary treatment

Case Officer : Ms Sukwant Grewal
Telephone No : 01902 551676
Head of Planning – Stephen Alexander



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Planning Application No: 13/00137/OUT

Location	Land Adjoining 133, Dunstall Hill, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 391104 300270
Plan Printed	08.05.2013	Application Site Area	734m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00363/FUL **WARD:** Park

RECEIVED: 12.04.2013

APP TYPE: Full Application

SITE: Communications Station, Sutherland House, Upper Vauxhall,
Wolverhampton

PROPOSAL: The installation and replacement of 3no. antennas and 6no. RRU's
together with ancillary development

APPLICANT:

Vodafone Ltd
C/o Agent

AGENT:

Mr Sebastian Bowe
Monoconsultants Ltd
Unit 76
Steam Packet House
First Floor
Cross Street
Manchester
M2 4JG

COMMITTEE REPORT:

1. Site description

- 1.1 Sutherland House is an eleven storey residential block sited on the Vauxhall estate. The roof of the building already has an array of telecommunications equipment placed upon it.
- 1.2 The location is predominantly residential in character with a mixture of low and high rise accommodation. The site is within the Park Conservation Area.

2. Application details

- 2.1 The application seeks planning permission for the replacement of three existing antennas with three new multi band antennas to be placed on existing support poles. In addition the applicant also seeks to replace six Remote Radio Units (RRU's) with six new RRU's and associated telecommunications equipment.

3. Planning History

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

4. Constraints

Conservation Area - Park Conservation Area

5. Relevant Policy Documents

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

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 No representations have been received.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule (LD/29042013/P)

9. Appraisal

- 9.1 The key issues are:
 - Character and appearance of the conservation area
 - Perceived health issues

Character and appearance of the conservation area

- 9.2 The application seeks to replace outdated equipment with dual user multi-band antennas to facilitate improved network coverage. The appearance of the new antennas will be relatively similar in size and form to those that are being replaced. The proposed telecommunication equipment will be sited on the roof of the residential block so will have little impact when viewed from street level. The roof of the building already has an extensive array of telecommunications and radio equipment sited upon it. Due to the height of the application building and the design of the proposed antennas and the fact that it is to replace existing equipment, the development will preserve the character and appearance of the conservation area and is therefore acceptable.

Perceived Health Issues

- 9.3 UDP policy EP20 states that ‘it is the view of Central Government that the planning system is not the place for determining health safeguards. In the

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

10. Conclusion

- 10.1 The applicant has demonstrated within the application there is a need for the additional dishes to improve network output. As the site already has an extensive range of telecommunications equipment on the rooftop of the building and this new equipment will replace existing outdated equipment, it is considered to be acceptable in preserving the character of the conservation area. Due to the size of the dishes and their siting on the roof of the building there will be no adverse effect on the character and appearance of the area. The proposal is therefore compatible with UDP policies D4, D6, D9, EP20 and BCCS policies CSP4 and ENV3 and the Council's Interim Telecommunications Policy

11. Recommendation

That planning application 13/00363/FUL be granted.

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



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Planning Application No: 13/00363/FUL

Location	Communications Station, Sutherland House, Upper Vauxhall, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 390302 299043
Plan Printed	08.05.2013	Application Site Area	274m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00350/TEL **WARD:** Penn

RECEIVED: 10.04.2013

APP TYPE: Telecommunications PA(not notifications)

SITE: Land On South Corner Of Mount Road, Penn Road, Wolverhampton

PROPOSAL: Installation of 15m high streetpole base station with additional equipment cabinets

APPLICANT:
Vodafone Limited
C/o Agent

AGENT:
Mr Chris Taylor
Mono Consultants Ltd
Steam Packet House
76 Cross Street
Manchester
M2 4JG

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is on the east side of Penn Road immediately south of its junction with Mount Road. The proposal would be located on a grass verge in front of The Mount Public House. There is a stand of mature trees immediately to the south which are approximately 12-14 metres high.
- 1.2 The surrounding area is mixed use, although predominantly residential both Penn Road and Mounts Road have shops and commercial properties.
- 1.3 The location already has a small telecommunications development on the site comprising of a 1.6m high equipment cabinet and 0.7m high associated meter pillar.

2. Application details

- 2.1 The application is for a telecommunications development for the installation of a 15m high column, with two associated equipment cabinets.
- 2.2 The application is not a planning application, but a type of application known as 'Prior Notification'. This means that the Council has 56 days from the receipt of the application to make a decision on it. Failure to do so and deliver formal notice of that decision within 56 days means that the applicant is able to install the proposed telecommunications equipment without any formal approval. The 56 days expire on 28 May 2013.

3. Planning History

- 3.1 11/00645/TEL for Telecommunication - Vodafone/02 - installation of a 15m streetpole and associated equipment and housing - Refused, dated 02.08.2011 – Allowed on Appeal 10th January 2012.
- 3.2 12/00478/TEL for Telecommunication - Vodafone/02 - installation of a 15m streetpole and associated equipment - Granted, dated 6.06.2012.

4. Constraints

- 4.1 Mining Advice 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 Other relevant policy documents:
Wolverhampton Interim Telecommunications Policy

6. Environmental Impact Assessment Regulations

- 6.1 This development proposal is not included in the definition of Projects that requires a “screening opinion” as to whether or not a formal Environmental Impact Assessment as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824).

7. Publicity

- 7.1 At the time of writing this report three letters of objection have been received. The objections can be categorised as follows:
- Effect on character and appearance
 - Health issues

8. Internal Consultees

Transportation Development – No objections providing a 0.5m deep concrete apron is provided in front of the proposed cabinets.

9. Legal Implications

- 9.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 9.2 In the case of mobile phone masts up to 15 metres there is a modified system of planning control that is governed by permitted development rights under Part 24 – Development by Electronic Communications Code Operators of the Town and Country Planning (General Permitted Development) Order 1995. The permitted development rights are subject to a number of conditions and importantly before development begins an application must be made to the local planning authority to determine whether it will require “prior approval” of the siting and appearance of the development.
- 9.3 The local planning authority is required to give notice to the applicant within 56 days of the receipt of the application if it requires prior approval. If the local planning authority does consider it requires prior approval then it must proceed to approve or refuse the application within 56 days and notify the applicant within that time. There is no ability to extend this time limit by agreement or otherwise and failure to act in the prescribed period will mean that the development will be deemed to have consent. (KR/07052013/R)

10. Appraisal

- 10.1 The key issues are: -

- Character and appearance
- Highway Safety
- Perceived health issues

Character and appearance

- 10.2 The siting of the proposed telecommunications streetpole is approximately 7 metres west of a similar proposal allowed on appeal on the 10 January 2012. It is considered that significant weight should therefore be given to the fact that permission already exists for telecommunications development at this location.
- 10.3 In the appeal decision the inspector acknowledged that the site was prominent and that the proposed installation would be the tallest structure in the immediate vicinity, but considered that there were mitigating factors that outweighed this potential harm. These were as follows; that the two operators would share the facility, therefore avoiding the need for a second structure. Although sited on a main road, the proposal had been located as far as possible from any residential property within the area of search. The trees to the south provide significant screening reducing the harshness of the proposed structure. Although the area is predominantly residential the land uses around the site are mixed and there is already street furniture against which the proposed installation will be seen.
- 10.4 The applicants have stated that they were unable to implement this permission due to the presence of underground water chambers. The proposal has had therefore to be relocated to the west closer to the Penn Road and the cluster of

mature trees. It is considered that being sited closer to the cluster of trees would reduce its visual prominence.

- 10.5 The subsequent second permission issued on the 6 June 2012 has also not been implemented as the operator wishes to upgrade the equipment detailed in that application. Consequently this application seeks permission for a slightly amended scheme to that previously approved. Though the overall height of the pole will remain the same at 15m the length of the antenna shroud at the top of the pole will increase to 3.7m. Although this will give the pole a bulkier appearance and make it slightly more visible within the skyline the shroud section would not have an unacceptably adverse impact on the character and appearance of the locality. In addition to the alterations to the pole, the applicant proposes two additional equipment cabinets to be placed in a side by side formation to be placed in front of the existing cabinet. The dimensions of these cabinets will be 1750mm (H) x 770mm (L) x 750mm (W) which is smaller than the existing cabinet. As these cabinets will be sited in front of the existing cabinet their impact will be greatly reduced within the streetscene.
- 10.6 It is therefore considered that due to the sites previous planning consents and the relatively low impacts of the amendments to the previous scheme the proposal would not have a significant effect on the locations character and appearance. The proposal is therefore compatible with UDP policies D6, D7, D9, EP20 and BCCS policies CSP4 and ENV3.

Highway Safety

- 10.7 It is not considered that the proposal would adversely affect visibility at the junction of Mount Road and Penn Road. Therefore the proposal is satisfactory in respect of UDP policy AM15.

Perceived Health Issues

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

11. Conclusion

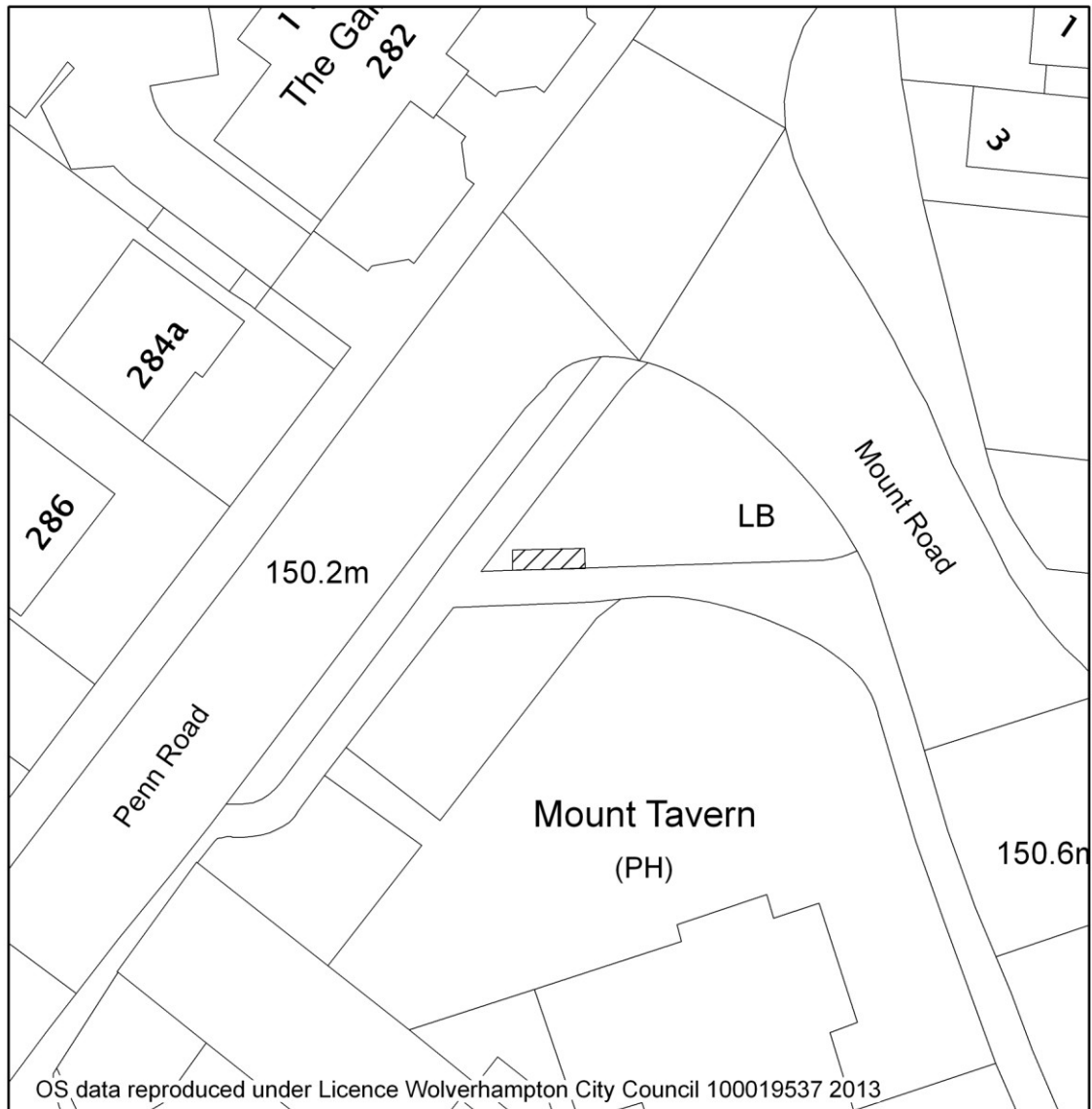
- 11.1 The proposed telecommunications equipment is considered to be on a site located within an area identified as a 'more sensitive' site as defined in the Council's Interim Telecommunications Policy. However, on balance, when taking into consideration the previous planning decisions and the minor amendments to the existing planning permission, the proposal is considered to be acceptable.

11.2 The proposal accords with advice as set out in UDP policies D6, D7, D9, AM15, EP20, BCCS policies CSP4, ENV3 and the Council's Interim Telecommunications Policy.

12. Recommendation

12.1 That the Strategic Director for Education and Enterprise be given delegated authority for prior approval of application 13/00350/TEL subject to standard conditions.

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



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Planning Application No: 13/00350/TEL

Location	Land On South Corner Of Mount Road, Penn Road,Wolverhampton		
Plan Scale (approx)	1:625	National Grid Reference	SJ 390165 296443
Plan Printed	08.05.2013	Application Site Area	7m ²

PLANNING COMMITTEE - 21-May-13

APP NO: 13/00306/FUL

WARD:

Bushbury South And
Low Hill

RECEIVED: 21.03.2013

APP TYPE: Full Application

SITE: Land To The Rear Of Fordhouse Road Industrial Estate, Steel Drive,
Wolverhampton

PROPOSAL: Telecommunications - Replacement of existing 17.5metre high
monopole with a 17.5metre dual user monopole housing six antennas
and two equipment cabinets. One existing equipment cabinet and
meter pillar to be retained.

APPLICANT:

Vodafone Ltd

C/o Agent

AGENT:

Mr Sebastian Bowe
Mono Consultants Ltd
Steam Packet House
76 Cross Street
Manchester
M2 4JG

COMMITTEE REPORT:

1. Site Description

- 1.1 The site is located on the highway verge on the east side of Steel Drive adjacent to a fence compound on the western boundary of a large industrial unit. The site is approximately 7m to the south of the entrance to the industrial works.
- 1.2 The nearest residential properties in Fordhouse Lane are separated by an industrial trading estate and lie approximately 130metres away.

2. Application details

- 2.1 The proposal is for a full planning application for telecommunications development comprising the replacement of an existing 17.5metre high monopole with a 17.5metre dual user monopole housing six antennas and two equipment cabinets. One existing equipment cabinet and meter pillar to be retained.

3. Planning History

- 3.1 11/00912/TEL – Telecommunication – Vodafone/O2 – Installation of a 17.5m monopole with two associated cabinets.
Granted 9 November 2011.

4. Constraints

4.1 Mining Advice Area

5. Relevant Policy Documents

5.1 National Planning Policy Framework (NPPF)

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

5.3 Other relevant policy documents:
Interim Telecommunications Policy

6. Environmental Impact Assessment Regulations

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

7. Publicity

7.1 No representations received.

8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications. LM/01052013/Y.

9. Appraisal

9.1 The key issues are: -

- Siting, appearance and neighbour amenities
- Perceived health issues

Siting, appearance and neighbour amenities

9.2 The proposed development would replace an existing monopole which was previously granted planning permission in November 2011. The site is within a predominately commercial location and is already in use as a telecommunications base station and so it is classed as a “less sensitive” location, as defined in the Councils Interim Telecommunications Policy. The previous proposal was considered acceptable, with no detriment to the character and appearance of the surrounding area which is predominantly commercial/industrial in character although there are residential properties approximately 130metres away on Fordhouse Road.

9.3 In respect of the residential development proposed at the Goodyear site, the monopole will be sited to the east side of the railway line, separated from the

railway line by Steel Drive, partially obscured by the railway line infrastructure and set against an industrial backdrop.

- 9.4 The equipment is to be shared between two users therefore negating the need for a potential second mast in the vicinity. The additional equipment cabinet would have no impact on amenity.
- 9.5 Taking all these matters into consideration, including the fact that the new equipment is a replacement of an existing facility, that two operators O2 and Vodafone are site sharing in accordance with government advice, the proposal is not considered to have an adverse impact on visual amenity or the locality. The proposal is therefore considered to be in accordance with the requirements of UDP policies D6, D7, D8, D9, EP20, BCCS policies CSP4, ENV3 and the Council's Interim Telecommunications Policy.

Health Issues

- 9.6 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 International Commission for Non-Ionizing Radiation Protection (ICNIRP) 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".
- 9.7 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 in this instance.

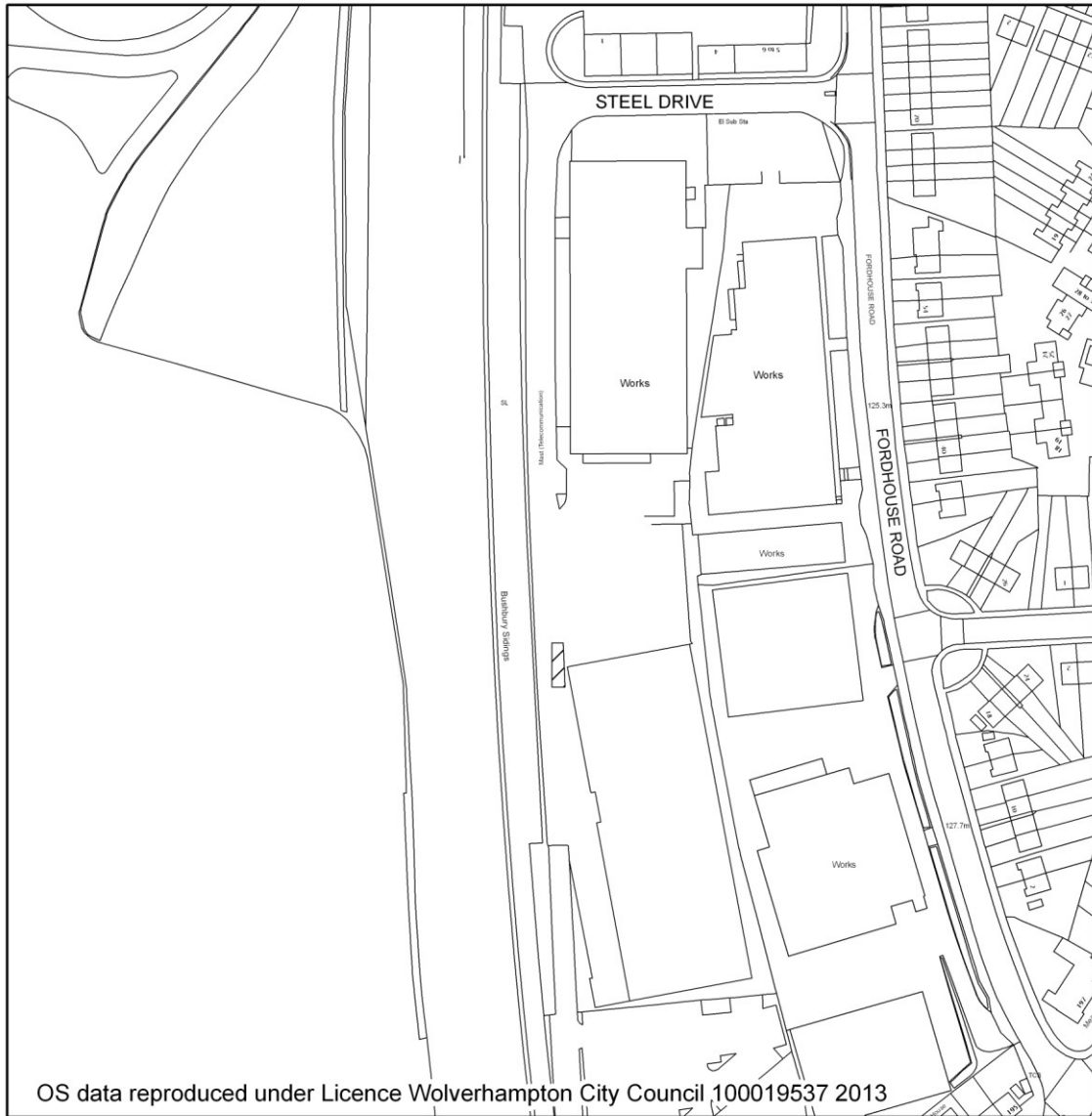
10. Conclusion

- 10.1 The proposed development is sited in a predominantly commercial/industrial area in character and an existing base station is already in situ, the site is considered as a "less sensitive" location in respect of the Council's Interim Telecommunications Policy, by reason of its location and considerable distance from residential properties. Taking all matters into consideration including the fact that the operators are site sharing, the equipment being sited adjacent to the backdrop of industrial/commercial buildings, the proposal is considered to be acceptable and in accordance with advice as set out in relevant UDP, and BCCS policies and the Council's Interim Telecommunications Policy.

11. Recommendation

- 11.1 That planning application reference 13/00306/FUL is granted in accordance with the details submitted.

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



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Planning Application No: 13/00306/FUL

Location	Land To The Rear Of Fordhouse Road Industrial Estate, Steel Drive, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 391655 301737
Plan Printed	08.05.2013	Application Site Area	62m ²