

Wolverhampton City Council

OPEN DECISION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 30th July 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 (30th July 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 - 30-Jul-13

APP NO: 13/00588/OUT

WARD:

Bilston East

RECEIVED: 19.06.2013

APP TYPE: Outline Application

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

PROPOSAL: Block of 69 apartments of between 6 and 7 storeys (Layout, Access, Appearance and Scale submitted for approval at this stage).

APPLICANT:

Property Lounge Partners
C/o Agent

AGENT:

Mr Mike Bates
Tweedale Ltd
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 The application proposes a block of 69 flats, rising from six to seven storeys. Private shared amenity space and a car park, providing 43 spaces, is at the rear of the building. The exterior of the building would be clad in brick, cladding panels, and render.
- 2.2 The applicants state that the building has been designed to overcome the issues which resulted in the refusal of the previous application. They point out that the proposal would bring back into use a long-standing vacant 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, help meet the area's housing target and increase the variety of new homes in Bilston.

3. Planning History

- 3.1 12/00011/FUL – 107 apartments of between 6 and 11 storeys. Refused March 2013:- poor design; overbearing impact; inappropriate scale, massing and appearance; substandard amenity space and; insufficient information submitted in relation to coal mining risk, noise and air quality.
- 3.2 11/00072/OUT – 35 flats over four floors. 31.01.12 Committee delegated authority to grant subject to a s106 agreement.

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 Local Neighbourhood Partnership – Object; insufficient parking provision; lack of facilities for children; and the proximity of the flats to the Metro Line could pose a risk for young people.

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 Fire Service – No objections.

8.2 Coal Authority – No objection subject to a condition requiring the submission of a coal mining risk assessment.

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/10072013/F).

10. Appraisal

10.1 Key issues:

- Acceptability of residential development
- Design
- Residential amenity for future residents
- Access and Parking
- 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.

Design

10.4 While the building would be taller 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.

10.5 The building would be 170 metres to the north-west of houses along Brook Street and so would not overshadow those properties.

Residential amenity for future residents

10.6 SPG3 advises that there should be 2000sq.m. amenity space for residents. Only 390sq.m is proposed. However, flats would have either a private terrace or balcony, of a useable size. Therefore amenity space provision would be acceptable.

Access and Parking

- 10.7 The proposed 43 car parking spaces would be adequate.

S106 Contributions

- 10.8 There is a requirement for a S106 agreement to secure:
- 25% Affordable housing
 - £241,488.29 (BCIS Indexed towards off-site open space/play
 - Public art
 - 10% renewable energy
 - Targeted recruitment and training
 - Management company for communal areas
- 10.9 The applicant is seeking a reduction in S106 obligations on the grounds of a lack of financial viability.
- 10.10 Should it be demonstrated that the development would not be sufficiently viable to fund the all the requirements, it would be justified to reduce affordable housing, public art, off- site open space and play contribution and renewable energy requirements, commensurate with the lack of viability, in order to support early development.
- 10.11 It is recommended that any reduction applies on a pro-rata basis to all dwellings that are ready for occupation within 3 years from the date that a lack of viability is demonstrated with the full amount applying on a pro-rata basis to all those that are not.

11. Conclusion

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

12. Recommendation

- 12.1 That the Strategic Director for Education and Enterprise be given delegated authority to grant planning application 13/00588/OUT subject to:

1. Completion of a Section 106 Agreement to include:

For the whole development:

- Targeted recruitment and training
- Management company

If viable:

- 25% affordable housing
- Off-site open space and/or play contribution up to £241,488.29 (BCIS indexed from January 2014) dependent upon local need
- 10% on-site renewable energy
- Public art (1% of development costs)

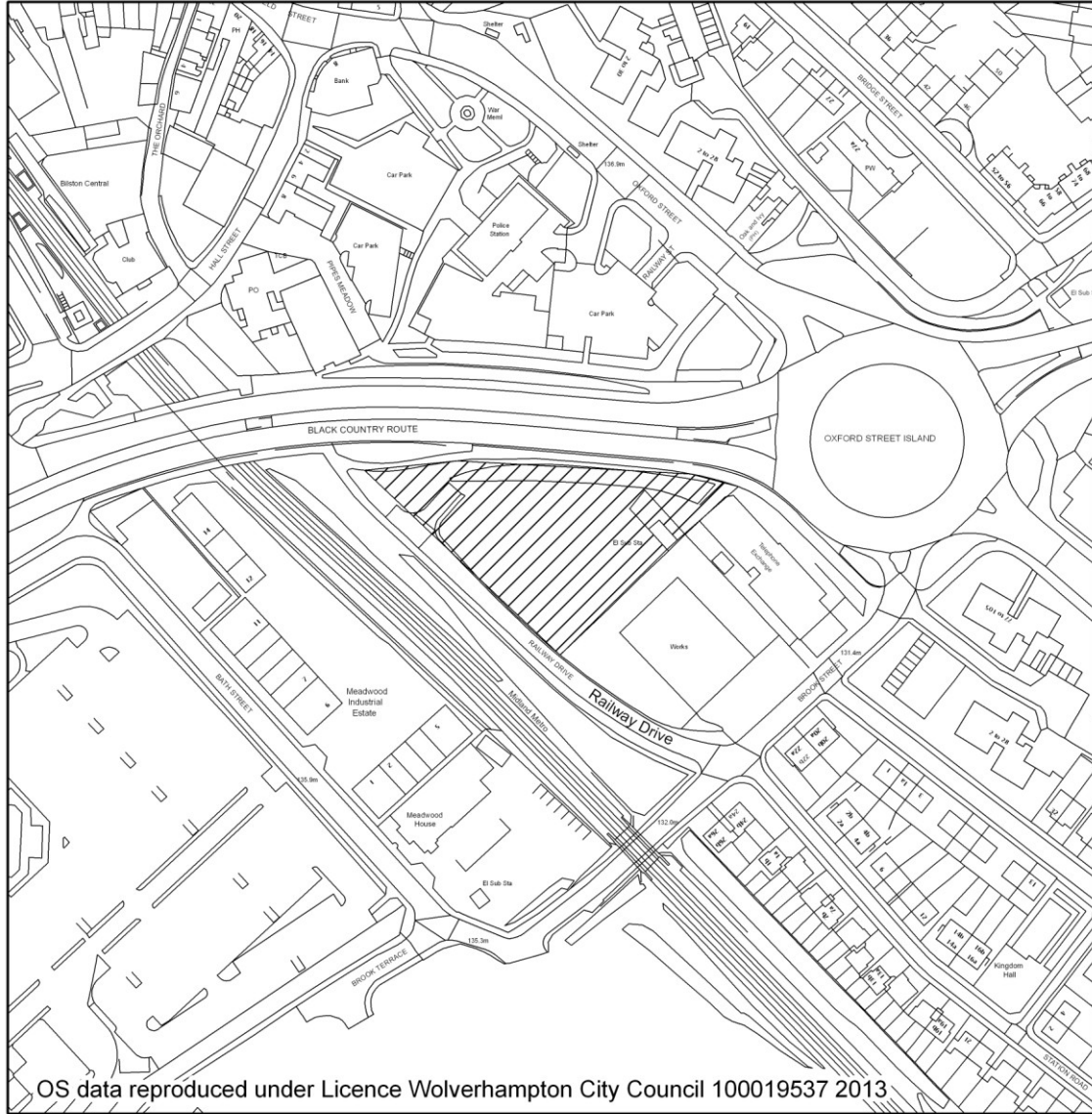
If not viable:

A reduction in affordable housing, off-site open space and play contribution, renewable energy and public art, commensurate with the

lack of viability with the reduction applying on a pro-rata basis to all flats ready for occupation within three years of the date that a lack of financial viability is demonstrated and the full requirement applying on a pro-rata basis to all those that are not ready for occupation at that time.

2. Any necessary conditions to include:
 - Standard outline conditions
 - Landscape implementation
 - Implementation in accordance with ecology report
 - Tree protection
 - Submission of a coal mining risk assessment and implementation of any necessary 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
 - Car park gate details

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



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Planning Application No: 13/00588/OUT

Location	Land Between Black Country Route, Railway Drive, Bilston, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 395212 296290
Plan Printed	17.07.2013	Application Site Area	4087m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 13/00497/FUL

WARD: Spring Vale

RECEIVED: 20.05.2013

APP TYPE: Full Application

SITE: Playing fields adjacent to and behind Hilton Hall Community Centre,
Hilton Road, Wolverhampton

PROPOSAL: Proposed BMX Track

APPLICANT:

Ms Sarah Norman
Wolverhampton City Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1RP

AGENT:

Mr Edward D'Oyle
Wolverhampton City Council
Landscape And Ecology Practice
Culwell Street Depot
Culwell Street
Wolverhampton
WV10 0JN

COMMITTEE REPORT:

1. Site Description

1.1 The application site is Hilton Road playing fields. Commercial units are immediately to the north. To the south are the rear gardens of housing along Hilton Road and to the west is the Hilton Road Community Hall.

2. Application Details

2.1 The application seeks permission to construct a BMX cycle track. It would be sited within the north-western part of the site, away from surrounding housing.

2.2 The track would be 128 metres in length and take the shape of a double horse shoe with a one metre high starting hill at the south-western corner and a finishing straight in the north-western corner. The track would include a number of mounds, between 0.6 metres and one metre high.

2.3 The BMX track would not be used for competitions and no external lighting is proposed. The applicants state that the proposed facilities are essential to ensuring the continued development of BMX cycling and to meeting the recreational and health needs of the community.

3. Relevant Policy Documents

3.1 National Planning Policy Framework (NPPF)

3.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)

4. Environmental Impact Assessment Regulations

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

5. Publicity

- 5.1 Nine representations received.

- Detrimental to neighbour amenity
- Unacceptable noise disturbance, particularly late at night
- Increase the perception of crime in the area
- Litter problems exacerbated
- The relocation of the football pitch closer to housing would be likely to cause disturbance to neighbouring occupiers and presents health and safety concerns
- Loss of outlook from neighbouring properties
- Create traffic congestion on surrounding roads
- Encourage anti-social behaviour / compromise the security of surrounding businesses, particularly in the evening and at the weekend
- Springvale Park or Woodcross Park would be preferred alternative locations for a BMX track

6. Internal Consultees

- 6.1 Environmental Services and Transportation – No objection.

7. External Consultees

- 7.1 Police – No objection.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/11072013/N).

9. Appraisal

- 9.1 The proposed BMX cycle track would diversify the recreational facilities available at the site.
- 9.2 The cycle track would not be used for competitions and as such the existing access and car parking facilities will be able to manage any likely demand created by the development.

9.3 The nearest houses are eighty metres away along Hilton Road. Due to the intervening distance between the cycle track and the neighbouring properties, there would be no undue adverse impact to neighbour amenity.

10. Conclusion

10.1 The proposed development would diversify the sporting facilities on the site, would be acceptable in terms of neighbours' amenity and the highway network and would be in accordance with the development plan.

11. Recommendation

11.1 That planning application 13/00497/FUL be granted planning permission subject to any appropriate conditions including;

- Sustainable drainage
- External materials
- No external lighting

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



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Planning Application No: 13/00497/FUL

Location	Playing Fields Adjacent To And Behind Hilton Hall Community Centre, Hilton Road, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 392886 295826
Plan Printed	17.07.2013	Application Site Area	1528m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 13/00483/FUL **WARD:** Penn

RECEIVED: 19.05.2013

APP TYPE: Full Application

SITE: Woodcroft House, Pennwood Lane, Wolverhampton

PROPOSAL: Boundary walls, gates and railings to front of property

APPLICANT:

Mr Jujhar Gill
Woodcroft House
Pennwood Lane
Penn
Wolverhampton
WV4 5JJ

AGENT:

COMMITTEE REPORT:

1. Site Description

- 1.1 The application site is a large detached property set on a lower level and significantly back from the narrow lane. To the frontage were trees/shrubbery which have recently been removed.
- 1.2 The property is set within a substantial plot and is within the Vicarage Road (Penn) Conservation Area.
- 1.3 The site is within the designated green belt. It is characterised by large properties set in well treed grounds, with boundary treatments mostly consisting of hedging and low walls appropriate to this semi-rural setting.

2. Application details

- 2.1 The application is for the erection of boundary walls, gates and railings to the front of the property.

3. Constraints

- 3.1 Conservation Area - Vicarage Rd (Penn) Conservation Area
Green Belt
Mining Advice area

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)

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

5. Environmental Impact Assessment Regulations

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

6. Publicity

- 6.1 One letter of objection received. The issues raised include:
- Not in keeping with the character of the conservation area;
 - Proposal should have trees behind the boundary wall/railings for privacy and security

7. Internal Consultees

- 7.1 Transportation Development – To achieve acceptable visibility for vehicles and pedestrians, the wall needs to be reduced to 600mm.
- 7.2 Historic Environment Team – The proposal is unacceptable as the height and design of the boundary wall and railings have a negative impact on the character and appearance of the conservation area.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 When an application is situate in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under Section 73 of the Act. LD/17072013/K.

9. Appraisal

- 9.1 The key issues are: -
- Impact on the character and appearance on the Conservation Area
 - Pedestrian and highway safety

Impact on the character and appearance on the Conservation Area

- 9.2 The proposal seeks to erect boundary walls, gates and railings to the front of the property, formerly comprising trees/hedges which have been removed. The proposal seeks to erect a wall of 1.24metres in height with a further 600mm of railings above that, and incorporate 2.1metre high piers and 2metre high gates. The design of the wall, railings and gates are harsh in appearance, more suited to a location in a built-up urban street, than a rural setting on a narrow country lane, such as this.
- 9.3 Whilst the property is within the green belt, the proposal is not considered to seriously impact on the openness, harm the visual amenity or visual character of the Green Belt
- 9.4 As a result of the height and design of the boundary treatments, the development would result in a harsh and forbidding appearance on the character and appearance of the street scene and would adversely affect the historic street pattern and morphology to the detriment of the Conservation Area. The proposal would neither enhance nor preserve the character and appearance of the Conservation Area. As such the proposal is contrary to the provisions of UDP policies D6, D9, HE4, HE5 and BCCS policies ENV2, ENV3 and CSP4.

Pedestrian and Highway Safety

- 9.5 The height of the dwarf wall in comparison to the level of the highway would result in the development having an adverse impact on pedestrian and highway safety as it does not achieve acceptable visibility. The proposal is contrary to the provisions of UDP policy AM15.

10. Conclusion

- 10.1 The proposal is therefore considered unacceptable as a result of its impact on the street scene, not enhancing nor preserving the character and appearance of the Conservation Area and detrimental to pedestrian and highway safety. The proposal is contrary to the provisions of the Councils Unitary Development Plan policies D4, D6, D7, D8, D9, HE4, HE5 and BCCS policies ENV2, ENV3 and CSP4.

11. Recommendation

- 11.1 That planning application 13/00483/FUL be refused planning permission for the following reasons:
- Adverse impact on the street scene, neither preserving nor enhancing the character and appearance of the Conservation Area
 - Detrimental to pedestrian and highway safety

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



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Planning Application No: 13/00483/FUL

Location	Woodcroft House, Pennwood Lane, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 389604 295169
Plan Printed	17.07.2013	Application Site Area	3154m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 13/00573/FUL

WARD:

Wednesfield North

RECEIVED: 17.06.2013

APP TYPE: Full Application

SITE: Grassed Area Fronting Flats At 53 - 63 Newey Road And , 499 - 509
Griffiths Drive, Wolverhampton, West Midlands

PROPOSAL: Create 13 parking bays.

APPLICANT:

Mr G Williams
URS Infrastructure & Environment UK
Limited
3 Pemberton House
Stafford Park
Telford
TF3 3AP

AGENT:

Mr G Williams
URS
3 Pemberton House
Stafford Court
Stafford Park
Telford
TF3 3AP

COMMITTEE REPORT:

1. Site Description

1.1 The site comprises an area of landscaping facing onto Griffiths Drive, Southall Road and Newey Road.

2. Application details

2.1 Create 13 parking bays.

3. Constraints

- Council Asset Register Entry
- Landfill Gas Zones
- Mining Referral area

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 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) the above regulations is required.

6. Publicity

- 6.1 Four representations received (including a request to speak to Planning Committee). The issues raised include:
- (i). Proposals may make manoeuvring onto/off existing driveways difficult and obstructions on the highway may occur;
 - (ii). Loss of landscaping and views of car parking from adjacent properties.

7. Internal Consultees

- 7.1 Tree Officer and Transportation Officer: No objections.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications. KR/09072013/M

9. Appraisal

- 9.1 The key issues are: -
- Highway safety and obstruction
 - Impact on amenity

Highway safety and obstruction

- 9.2 The proposals would seek to create a solution to the unacceptable parking of vehicles on the adopted highway. This is currently creating damage to the footways and grass verges. Parked vehicles are also obstructing views for drivers and obstructing vehicle and pedestrian movements.

- 9.3 The proposals have been designed to ease the current parking issues within this area, with the aim of improving highway safety and the free flow of traffic.

Impact on amenity

- 9.4 The proposals have been designed to minimise impact on amenity, including siting the bays away from the protected tree towards the corner of Southall Road and Newey Road. On balance, there would be no undue impact on visual amenity.

- 9.5 The parking of vehicles on this land would not unduly affect amenity or create undue noise and disturbance for occupants and neighbouring properties.

9.6 The proposal is therefore acceptable and in accordance with UDP policies D9, D13, AM12, AM15, EP1, EP5, EP6, BCCS policies ENV3, ENV5 and CSP4.

10. Conclusion

10.1 The proposal is acceptable and in accordance with the development plan.

11. Recommendation

11.1 That planning application 13/00573/FUL be granted planning permission subject to any appropriate conditions including those below;

- Sustainable drainage/materials

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



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Planning Application No: 13/00573/FUL

Location	Grassed Area Fronting Flats At 53 - 63 Newey Road And , 499 - 509 Griffiths Drive,Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 396297 301779
Plan Printed	17.07.2013	Application Site Area	1116m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 13/00100/FUL

WARD: Heath Town

RECEIVED: 04.02.2013

APP TYPE: Full Application

SITE: Heath Park High School, Prestwood Road, Wolverhampton

PROPOSAL: Demolition of existing school buildings; erection of new three storey teaching block; erection of new sports facility; relocation of existing tennis courts; creation of new informal playing field; refurbishment of existing all-weather pitch; relocation of car parking areas with improved vehicular and pedestrian access; proposed energy centre and landscaping.

APPLICANT:
Inspiredspaces Wolverhampton Ltd
C/o Agent

AGENT:
Graham Parkes
Tweedale Limited
265 Tettenhall Road
Wolverhampton
WV6 0DE

COMMITTEE REPORT:

1. Site Description

- 1.1 This 3.4 ha site is located 1.6 miles to the north-east of the city centre. It is bounded by Prestwood Road and Coronation Road to the west and south respectively and New Cross Hospital to the north and east.
- 1.2 The school comprises two main blocks of buildings. The original late Victorian/Edwardian school buildings together with single and two storey buildings dating from the 1930s, are located at the southern end of the site. The main school buildings, dating from the 1970s, are located at the rear of the site along the boundary with the hospital. Temporary classrooms also intersperse the site.
- 1.3 A large all-weather sports pitch occupies the north east corner of the site and there is a multi-use games area (MUGA) on the boundary with Prestwood Road.

2. Application Details

- 2.1 The redevelopment would see the demolition of the school in its entirety, to be replaced with a new building of three storeys fronting Prestwood Road, and running alongside Hazelwood Drive.
- 2.2 A new two storey Sports Hall would be provided in the portion of the site between Hazelwood Drive and New Cross Hospital. The MUGA would be relocated from the frontage with Prestwood Road to the boundary with New

Cross Hospital, alongside the new Sports Hall. The existing all weather sports pitch would be upgraded.

- 2.3 The primary pedestrian entrance to the school would be from Prestwood Road and the primary vehicular entrance would be from Coronation Road, accessing a 111 space car park. The remainder of the proposed site layout comprises informal recreation space, external social areas and an energy centre.
- 2.4 Pupil numbers would increase from 1200 to 1300, whilst it is intended that staff numbers will remain the same.

3. Planning History

- 3.1 08/01245/DWO for Outline Application. Demolition of existing school building and proposed replacement school building with associated car parking and sports facilities – Granted 08.01.2009.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 Other relevant policy documents:
SPG3 – Residential Development

5. Environmental Impact Assessment Regulations

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

6. Publicity

- 6.1 Sixteen representations and a 20 signature petition were received in objection to the original plans. The comments are summarised below:
- Limited social space for pupils
 - Parking and traffic congestion
 - Overbearing impact
 - Overlooking / loss of privacy
 - Height of building out of character
 - Disturbance from weekend and evening use
 - Loss of light
 - Noise from MUGA

- 6.2 Three representations were received in objection to the first design revisions. The comments are summarised below:
- Loss of privacy and loss of light
 - Building out of character with residential area
 - Building overbearing and out of scale
 - Detrimental impact due to increased pupil numbers

6.3 No representations have been received in objection to the second design revisions. Written objections are expected and will be updated verbally at Planning Committee.

7. Internal Consultees

7.1 **Environmental Health** – No objections subject to conditions.

7.2 **Landscape & Ecology** – No objections subject to further bat emergence surveys during optimum survey period May-September. These details cannot be subject to condition as per the provisions in Circular 06/2005.

7.3 **Transportation Development** – No objection subject to Traffic Regulation Orders and road safety features at Prestwood Road/Milton Road junction. Section 278 Agreement required to relocate existing road safety feature on Prestwood Road.

8. External Consultees

8.1 **Environment Agency** – No objection.

8.2 **Sport England** – No objection.

9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/18072013/Y.

10. Appraisal

- 10.1 The key issues are: -
- Principle of Development
 - Design
 - Impact on Prestwood Road (Teaching Block)
 - Impact on 1 & 2 Hazelwood Drive (Teaching Block)
 - Impact on Hazelwood Drive (Sports Block)
 - Noise Impact from MUGA
 - Parking and Access
 - Summary of Appraisal

Principle of Development

- 10.2 This is an established school site and the principle of redevelopment was established by the outline planning permission granted in 2008. These proposals represent the detailed design phase of the Building Schools for the Future (BSF) project and accord with BCCS policy HOU5.

Design

- 10.3 The design of the teaching building has reduced from a stepped four storey building to a three storey building. The main entrance has been emphasised by a proposed rotunda, a simple cylindrical form with windows at first and second floor to give visual interest and relief to the structure.
- 10.4 The rotunda entrance acts as a centre piece within the elevation to Prestwood Road, linking the north and south blocks which make up the teaching building. At the same time it breaks up the mass of the building by providing depth.
- 10.5 Different materials are proposed for each part of the building. Render would be added to the upper floors of the north block, to soften the massing and respond to the rendered facades of its surroundings. Different styles of fenestration on the north block offer further visual contrast.
- 10.6 The south block is a three storey terracotta brick structure of rectangular form. Large 'picture frame' glazing to the front façade is intended to act as a showcase for the educational activities of the school. This fenestration detail would also soften the mass of the south block when viewed from the street scene.
- 10.7 At present there is an informal parking area and games spaces on the land adjacent to Prestwood Road. The presence of a three storey building at this location within the site will provide a sense of enclosure along this highway. A landscaped area in front of the school would provide a green edge to Prestwood Road.
- 10.8 The development would therefore be in accordance with UDP policy D9 and BCCS policies ENV3 and CSP4.

Impact on Prestwood Road (Teaching Block)

- 10.9 In the redesign of the teaching block the building has been reduced in height from a stepped four storey structure to a more regular three storey structure. The original design proposals were for a three storey building. The distance separation between the Prestwood Road elevation and the houses opposite would be 21.1m, at its closest point, increasing to 25.1m as the building elevation steps in. This distance is sufficient to negate privacy concerns.
- 10.10 The houses on Prestwood Road sit to the west of the proposed teaching block. Given the distance separation to these properties shadowing and loss of light from the three storey building would be limited. In winter months when the sun is at an oblique angle within the sky there may be limited shadowing to the front gardens only.
- 10.11 The development would be in accordance with UDP policies D7, D8 and D9 and BCCS policies ENV3 and CSP4.

Impact on 1 & 2 Hazelwood Drive (Teaching Block)

- 10.12 The closest houses are 1 & 2 Hazelwood Drive, both of which side on to the proposed teaching block. Adjacent to these, the building would be three storey at a distance of 16.5m to 1 Hazelwood Drive and 14m to 2 Hazelwood Drive. These distances are to the side elevations of both properties which have a single window to a first floor landing.
- 10.13 1 Hazelwood Drive is set slightly back in the street scene as viewed from Prestwood Road. The front elevation of the house has two bedroom windows at the first floor. The proposed upper floor windows of the school are at an angle of 15 degrees to the house and a distance of 20m to those bedroom windows.
- 10.14 To the rear of 1 Hazelwood Drive (as viewed from Prestwood Road) is one bedroom window at first floor. The proposed upper floor school windows vary in distance from 45m (at an angle of 26 degrees) to 27m (at an angle of 45 degrees), and 21m (at an angle of 63 degrees) to the bedroom window.
- 10.15 The front garden of 1 Hazelwood Drive effectively serves the purposes of the rear garden from the point of view of amenity and private space for that house. The proposed school is 19m from the centre of the front garden space. An existing line of deciduous trees runs on the boundary between the house and the school site.
- 10.16 2 Hazelwood Drive is positioned immediately behind 1 Hazelwood Drive and sits alongside the rear element of the proposed teaching block, consequently it is not possible for there to be an element of overlooking to the rear of this house. The front of 2 Hazelwood Drive has two bedroom windows at the first floor. The upper floor windows of the proposed school vary in distance from 60m (at an angle of 16 degrees) to 22m (at an angle of 48 degrees) to the two bedroom windows.
- 10.17 The front garden of 2 Hazelwood Drive is the non-private amenity space associated with this house. The rear garden acts as the private amenity space and is 18m from the proposed school building. This garden space is well screened by existing deciduous trees.
- 10.18 The school building would be located to the north of Hazelwood Drive and so there would be no loss of light to houses in that road.
- 10.19 The main outlook from 1 & 2 Hazelwood Drive is from the front and rear, rather than the side. The proposed school is alongside the two houses. Consequently its presence and potential dominance is limited in this regard. Loss of privacy and the impact of overlooking is limited by the angle of the windows of the school relative to the bedroom windows of the two houses. Also, the school is a day-time use building consequently the potential for overlooking at night will not exist.
- 10.20 The existing line of trees along the boundary with 1 & 2 Hazelwood Drive would be strengthened, with additional planting. A 2.4m boundary fence is also proposed to improve security and visual amenity. This would comprise a 1.8m close boarded fence with a 600mm trellis on top to make the boundary domestic in nature.

- 10.21 At present the main vehicular and pedestrian entrance runs alongside 1 & 2 Hazelwood Drive. As such this is a route of high usage, with an associated area of visitor parking. In the proposals this route would be gate controlled and used primarily for vehicles servicing the proposed kitchen and canteen area.
- 10.22 There will clearly be a degree of visual impact from the three storey building on the properties of 1 & 2 Hazelwood Drive. The impact is not significant enough to justify a refusal of planning permission due to the design, position, distance separation and tree screening of the proposed building. The development would therefore be acceptable, in accordance with UDP policies D7, D8 and D9 and BCCS policies ENV3 and CSP4.

Impact on Hazelwood Drive (Sports Block)

- 10.23 The proposed new sports block is a two storey structure, set at a minimum distance of 27m from the rear of 3-7 Hazelwood Drive. The existing two storey sports block is 18m from these houses. Additional tree planting is proposed along the boundary with the school and these properties. The development would therefore be in accordance with UDP policies D7 and D8 and BCCS policies ENV3 and CSP4.

Noise Impact from MUGA

- 10.24 The MUGA is proposed along the boundary with New Cross Hospital at a distance of 37m from the nearest dwellings. To limit the impact of noise on these properties an acoustic fence is proposed and a restriction placed on the hours of use. The development would therefore be in accordance with UDP policies EP1 and EP5.

Parking and Access

- 10.25 There is no loss of parking as part of the proposals, the improved layout arrangements, drop-off spaces, and disabled spaces would result in a marginal increase in spaces overall. Provision for minibus parking would also be formalised, and the layout of the car park would allow future expansion should further spaces be required in the future. A major benefit would be the separation of pedestrians and vehicles. The development would therefore be in accordance with UDP policies AM12 and AM15.

Summary of Appraisal

- 10.26 The current building is dated and, being a predominantly urban site, has limited external green space. The proposals would deliver a modern education and sports facility for the 21st century with external green space. The current buildings are dispersed across the site; the proposals would deliver a centralised education building and a separate sports facility.
- 10.27 The impacts of overlooking and loss of privacy on adjacent properties at 1 & 2 Hazelwood Drive would be limited due to the angle of the proposed school windows relative to the habitable rooms of the two houses and further reduced by tree planting. The relative outlook from 1 & 2 Hazelwood Drive is to the front and rear rather than the side, consequently the visibility and therefore the visual impact of the proposed school building is judged to be acceptable. The distance separation with the properties on Prestwood Road negates issues of overlooking and loss of privacy.

10.28 The position of the MUGA would allow for school and community use without detrimental noise impacts to nearby residents. Parking provision and access arrangements represent an improvement from the existing and may improve traffic flows along Prestwood Road.

10.29 Having taken into account all the relevant material planning considerations, on balance, any negative impacts on residents from the location of the proposed school building are outweighed by the significant benefits brought to this area of the City from the improved education and sports facilities.

11. Conclusion

11.1 The development is acceptable and in accordance with the Development Plan, subject to any necessary conditions.

12. Recommendation

12.1 That the Strategic Director for Education and Enterprise be given delegated authority to grant planning application 13/00100/FUL subject to:

- 1) Satisfactory completion of bat emergence surveys during the optimum survey period May-September;
- 2) Conditions including:
 - Landscape
 - Acoustic fence
 - Bin store details
 - Energy centre details
 - Cycle storage
 - Details of Synthetic Sports Pitch including goal inlets and spectator area
 - Hours of use of community sports facility
17.00 – 23.00 Monday to Friday
09.00 – 18.00 Saturdays, Sundays and Bank Holidays
 - Hours of use of MUGA
08.00 to 20.30 Monday to Friday
09.00hrs to 16.00hrs Saturdays
At no time on Sundays and Bank holidays.
 - Drainage
 - Site Investigation Works
 - Traffic regulation orders
 - Road safety features at Prestwood Road/Milton Road junction
 - Recommendations from bat emergence surveys

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



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Planning Application No: 13/00100/FUL

Location	Heath Park High School, Prestwood Road, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 393339 300209
Plan Printed	17.07.2013	Application Site Area	34683m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 12/00925/FUL **WARD:** Tettenhall Regis

RECEIVED: 08.08.2012

APP TYPE: Full Application

SITE: Danescourt, Danescourt Road, Wolverhampton

PROPOSAL: Demolition of care home and construction of 26 apartments.
Conversion of Tara House to two houses. Extension to house (former Lodge).

APPLICANT:
Mr Nouredine Elbakkali
Bantock Homes Ltd
9 Salisbury Street
Wolverhampton
WV3 0BG

AGENT:
Mr Graham Onions
Caeparius Ltd
TAPTAG HOUSE
PO BOX 190
WOLVERHAMPTON
WV3 9TA

COMMITTEE REPORT:

1. Updating

- 1.1 This application was reported to Planning Committee on 6th November 2012. Committee resolved to delegate authority to the Interim Director for Education and Enterprise to grant the application subject to receipt of bat and badger surveys and completion of a Section 106 agreement.
- 1.2 The land is Council owned and (subject to planning) building works will be carried out under licence. The land will not be sold until the development is complete.
- 1.3 As the Council cannot enter into a Section 106 agreement as landowner and Planning Authority it is necessary to utilise a Section 111 agreement which will obligate the developer upon transfer of the ownership of the land to enter into a Section 106 agreement.
- 1.4 Satisfactory bat and badger surveys have been received, stating that no bats were observed emerging or entering any buildings on the site and that there was no evidence to suggest that badgers were occupying the burrows on the site.
- 1.5 There is no requirement for a public open space contribution as provision of open space in the area is satisfactory.
- 1.6 Advice from the District Valuer indicates that the development would not be sufficiently viable to provide affordable housing, renewable energy generation or public art. It is therefore advised that the obligations are reduced and that affordable housing, renewable energy generation and public art are only

required on a pro-rata basis for all dwellings not ready for occupation by 4th January 2016, in order to support early development of the site.

2. Legal Implications

2.1 General legal implications are set out at the beginning of the schedule of planning applications. LM/11072013/G

3. Conclusion

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

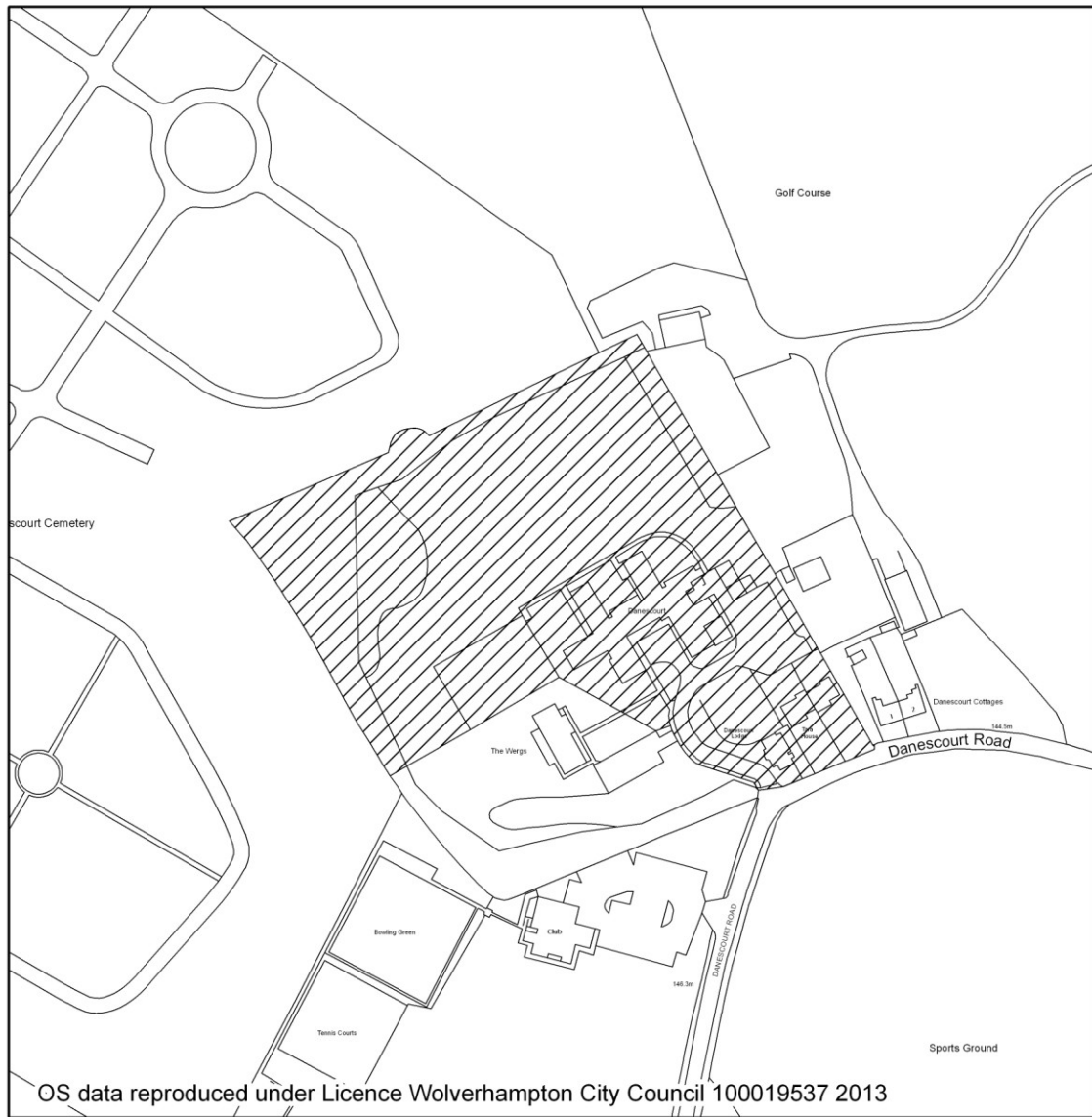
4. Recommendation

4.1 That the Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00925/FUL subject to:

- (i) Negotiation and completion of a S111 agreement to include:
 - targeted recruitment and training
 - a requirement to enter into a S106 agreement on transfer of the ownership of the land – the S106 to require management of communal areas and on a pro rata basis for all dwellings not ready for occupation by 4th January 2016, 25% affordable housing, 10% renewable energy and, public art.

- (ii) Conditions to include:
 - Materials
 - Landscaping
 - Boundary treatment
 - Nature Conservation
 - Drainage
 - Site waste management plan
 - Bin stores for the apartments
 - Cycle and motorcycle parking for the apartments
 - Measures to reduce the impact of construction of the development on local residents
 - Realignment of the boundary wall to improve visibility
 - Further bat survey required if development does not commence in 12 months

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



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Planning Application No: 12/00925/FUL

Location	Danescourt, Danescourt Road, Wolverhampton		
Plan Scale (approx)	1:2500	National Grid Reference	SJ 388345 300723
Plan Printed	17.07.2013	Application Site Area	18093m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 13/00508/FUL

WARD: East Park

RECEIVED: 24.05.2013

APP TYPE: Full Application

SITE: 173 Wellington Road, Wolverhampton, WV14 6RN

PROPOSAL: Change of use from Class A1 (Retail) to Class A5 (Hot food take-away) to include installation of new shop front and external flue to the rear

APPLICANT:

Mr Nazir Mohamed
173 Wellington Road
Wolverhampton
WV14 6RN

AGENT:

Mr Harjit Singh
HSM Planning
Bee Lane
Wolverhampton
WV10 6LF

COMMITTEE REPORT:

1. Site Description

- 1.1 The application relates to a vacant retail unit and associated parking area. The parking area can accommodate approximately six vehicles.
- 1.2 The site forms one of three retail units on the corner of Wellington Road and Stowheath Lane. There is residential accommodation at 1st floor above each of the commercial units.

2. Application details

- 2.1 The application has been made to change the use of the unit from Class A1 (retail) to Class A5 (hot food take-away). The proposed works also include the installation of a new shopfront and an external flue to the rear of the building. The proposed opening hours are 12.00 to 22.00 hours Monday to Saturday.

3. Relevant Policy Documents

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

4. Environmental Impact Assessment Regulations

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

5. Publicity

- 5.1 Eleven letters and a petition containing 173 signatures objecting to the proposal have been received. Objections are made on the following grounds;
- Inadequate off road parking
 - Adverse impact on highway safety due to potential illegal parking in the highway
 - Disturbance to nearby residents
 - Increased levels of anti-social behaviour
 - Increased litter
 - Increased noise disturbance
 - Cooking odour adversely affect amenity

6. Internal Consultees

- 6.1 **Transportation** – No objections subject to part of the front boundary wall being demolished to increase the width of the access into the site and an adequate parking layout provided prior to the use commencing.
- 6.2 **Environmental Health** – No objections subject to a condition requiring the installation and extraction system suitable to control the effects of cooking odours.

7. Legal Implications

- 7.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 7.2 The existing use is under Class A1 (use for the retail sale of goods other than hot food) to a use under class A5 (use for the sale of hot food for consumption of the premises) of the Town and Country Planning (Use Classes) Order 1987. (KR/17072013/N)

8. Appraisal

- 8.1 The key issues are: -
- Economic Impact
 - Impact on amenity
 - Design and appearance
 - Highway Safety

Economic Impact

- 8.2 The subject premise has been vacant for several years. The proposal would enable the occupation of the building, bringing it back into an active use and creating employment opportunities for the city. Although the premise is not located in a centre, the scale of the proposed use is small and would provide a local facility. Therefore this would not undermine the vitality or viability of any nearby centre uses.

Impact on amenity

- 8.3 There is a mixture of residential and commercial premises in the vicinity of the site. The most immediate dwellings are located above the ground floor retail units. As the site is adjacent to a busy road junction and the premises would close at 22.00 hours each night, it is not considered that the proposed use would generate noise disturbance that would exceed the existing background noise levels to adversely affect neighbour amenity to an unacceptable degree.

- 8.4 The application does propose the installation of an external flue for the dispersal of cooking odours. This would be appropriately located to the rear of the building. It is acknowledged that extraction systems can never fully eradicate cooking odours, however the flue has been appropriately positioned to minimise this impact and would not have a significant impact on amenity.

Design and appearance

- 8.5 The proposed shop front is satisfactory in terms of its design and appearance. The external flue would be located to the rear of the building minimising its visual impact on the public realm.

Highway Safety

- 8.6 The application site does have an area for customer parking, although the existing access into the site is quite narrow. As the proposed use would intensify the use of the car park it is considered that the width of the access should be increased to improve highway safety and to encourage customers to use the car park. Subject to the access into the site being widened and a satisfactory parking layout being marked out the proposal would not adversely affect highway safety to an unacceptable degree.

9. Conclusion

- 9.1 On balance it is considered that the proposed change of use is appropriate. Whilst it is acknowledged that a hot food take-away can cause disturbance from cooking odours, this would be minimised by the installation of an appropriately positioned flue. The proposed use would have an appropriate on-site parking provision and would bring a vacant commercial unit back into an active use creating employment opportunities for the city. The proposal would therefore be in accordance with the development plan policies.

10. Recommendation

- 10.1 That planning application 13/00508/FUL be granted planning permission subject to any appropriate conditions including;
- Parking layout provided

- Width of access increased.
- Hours of opening 12.00-22.00 hours Monday to Saturday. No opening Sundays
- Details of the proposed extraction system for installation
- Refuse storage details

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



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Planning Application No: 13/00508/FUL

Location	173 Wellington Road, Wolverhampton ,WV14 6RN		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 393665 297185
Plan Printed	17.07.2013	Application Site Area	419m ²

PLANNING COMMITTEE - 30-Jul-13

APP NO: 13/00514/FUL

WARD: St Peters

RECEIVED: 29.05.2013

APP TYPE: Full Application

SITE: The Bagot Arms, Newhampton Road West, Wolverhampton

PROPOSAL: Extensions and conversion of Public House to create nine mixed use retail units (including Use Class A1 Retail, Use Class A2 Financial and Professional Service and Use Class A3 Restaurant and Cafe). Convert first floor into three, one bedroom flats.

APPLICANT:

Dr Gurmit Mahay
Poplars Properties
135 Lea Road
Wolverhampton
WV3 0LQ

AGENT:

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

COMMITTEE REPORT:

1. Site Description

1.1 The site is a vacant public house located on the northern side of Newhampton Road West and directly adjacent to the Avion Centre.

2. Application details

2.1 Extend the premises and convert it into nine mixed use retail units at ground floor (uses comprising A1, A2 and A3) and convert the first floor into three flats.

3. Constraints

- District and Local Centre: Whitmore Reans/Avion Centre

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 Three letters of objection received. The issues raised include:
- (i). Increase in noise and disturbance;
 - (ii). Increase in traffic and congestion;
 - (iii). Increase in anti-social behaviour and crime;
 - (iv). Proposals not needed;
 - (v). Loss of public house.

7. Consultees

- 7.1 Police and Environmental Health – No objections.
- 7.2 Transportation – No objection in principle. Modifications to the servicing, parking layout and pedestrian accesses to the rear units are required.

8. Legal Implications

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 In accordance with Article 11 of the Town and Country Planning (Development Management Procedure) Order 2010 an applicant for planning permission must give, at least 21 days before the date of the application, notice of the application to any person (other than the applicant) who on is an owner or tenant of the land to which the application relates. KR/10072013/H

9. Appraisal

- 9.1 The proposals are of an appropriate scale and function for this district centre. The site is suitable for mixed use retail development in accordance with BCCS policies CEN5.
- 9.2 The premises is currently closed. There is a long history of crime and antisocial behaviour associated with the previous use of this site as a public house. The area is well served by other public houses and therefore, the loss of the community meeting place in this instance would comply with UDP policy C3.
- 9.3 The proposed layout is in character with the established pattern of the area. The external appearance is satisfactory and so is the relationship with neighbouring properties.

- 9.4 Access and parking arrangements would require some modification in order to provide wider pedestrian access to the rear facing units. Modifications to the servicing of the units is also required.
- 9.5 The area directly at the front of the site is owned by the Council. Appropriate ownership certificates are required to be served on the Council as the development proposals include this land. The proposed development will involve the loss of trees at the front of the site. Even though the trees are not protected it will be intended to retain as many as possible.
- 9.6 Subject to the receipt of the outstanding matters the proposal is acceptable and in accordance with UDP policies D4, D5, D6, D7, D8, D9, D10, AM12, AM15, EP1, EP5, SH4, SH14, C3, N1, N7 and BCCS policies ENV3, CSP4, CEN5, CEN6, TRAN4.

10. Conclusion

- 10.1 Subject to the receipt of the outstanding matters the proposal is acceptable and in accordance with the development plan.

11. Recommendation

- 11.1 That the Strategic Director for Education and Enterprise be given delegated authority to grant planning application 13/00514/FUL subject to:
- 1) Receipt of amended plans showing satisfactory servicing, parking and access layout.
 - 2) Tree survey
 - 3) Confirmation of site ownership
 - 4) Conditions including:
 - Materials
 - Boundary treatments and landscaping
 - Refuse storage
 - Sound insulation scheme
 - Cycle parking
 - Opening hours and hours of delivery
 - CCTV scheme
 - The retail units shall remain individual and shall not be combined
 - Traffic Regulation Order for the cul-de-sac leading to the car park

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



DO NOT SCALE

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Planning Application No: 13/00514/FUL

Location	The Bagot Arms, Newhampton Road West, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 390348 299584
Plan Printed	17.07.2013	Application Site Area	1766m ²