# Wolverhampton City Council

#### **OPEN DECISION ITEM**

Committee / Panel PLANNING COMMITTEE Date: 3rd September 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 (3rd September 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 <u>may</u> have been received relating each application. If this is the case it will be reported by the Planning Officers at the meeting. This <u>could</u> 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 addition 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 <u>must</u> 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 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 <u>Development Plan Documents</u> 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.

APP NO: 13/00506/FUL WARD: East Park

RECEIVED: 24.05.2013 APP TYPE: Full Application

SITE: East Park Primary School, Hollington Road, Wolverhampton

**PROPOSAL:** Erection of Ball Stop perimeter fencing.

APPLICANT:

Mr David Purdie Mr N Sullivan

East Park Primary School, Hollington Wolverhampton City Council Landscape & Ecology Practice Road

Wolverhampton Culwell Street Depot WV1 2DS Culwell Street

Wolverhampton **WV10 0JN** 

AGENT:

COMMITTEE REPORT:

#### 1. **Site Description**

1.1 The site concerned is part of a hard surfaced playground at East Park Primary School, which is located off Thornton Road Wolverhampton. The site is not visible from the street scene, as it is located to the side/rear of the school, which fronts a private access road leading to some detached garages to the rear of 12 to 20 Thornton Road. The surrounding area is predominantly residential.

#### 2. **Application details**

- 2.1 The application is for the erection of 52.5 metres of ball stop fencing on the north eastern side of the site adjacent to the hard surfaced area of the East Park Primary School playground which is used for informal football by the pupils.
- 2.2 The application as initially submitted proposed a fence height of 3 metres rising to 3.66 metres, however, due to neighbouring concerns, and following on site meeting, the height of the proposed fencing has been reduced as proposed below.
- 2.3 The proposed fencing would be located along the bounding of the site, inside the existing blue palisade fencing which is also to remain in situ. Along the north/west boundary would be 22.3 metre length of new 2.86 metres high Dulock Rebound fencing within which is a 1.23 metre high rebound panel to the base. Along the north eastern boundary would be 30.8 metres in length of new 2.86 metres high Dulock Rebound fencing within which is a 1.23 metres high rebound panel to the base, along the south/eastern boundary would be 22.3 metres in length of new 2.66 metre high Dulock Rebound fencing within

which is a 2.03 metres high rebound panel to the base, and finally along the south/western boundary 20.8 metres of 2.86 metres high Dulock Rebound fencing within which is a 1.23m high rebound panel to base.

2.4 The colour of the proposed fencing is Dark Green.

#### 3. Planning History

3.1 13/00505/FUL for Extension to existing hard surfaced playground, including construction of steps, handrails, fencing and soft landscaping.

Granted, dated 20.06.2013.

#### 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. <u>Environmental Impact Assessment Regulations</u>

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

#### 6. Publicity

- 6.1 Two objections, one with a request to address planning committee. The objections to the proposal are as follows:
  - 1. Fencing not required as there has never been an issue with disturbance from balls from the school
  - 2. Due to the height and location of the fencing it would obscure the views from both the houses and the gardens

#### 7. Internal Consultees

7.1 **Property Services - Estates** – No reply at time of writing.

#### 8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule of planning applications [LD/3107201/B]

#### 9. Appraisal

- 9.1 The key issues are: -
  - Design/Appearance
  - Neighbouring Amenities

#### Design/Appearance

9.2 The proposed fencing would not be visible from the street, as it would be located alongside a private access road, leading to some detached garages to the rear of 12 – 20 Thornton Road. It is considered that the height, position, design and colour would have no detrimental impact on the character/appearance of the surrounding area, and would be in keeping with the usual ancillary structures associated with schools. Therefore, the proposed fencing is consistent with Policy.

#### **Neighbouring Amenities**

- 9.3 The highest part of the proposed ball stop fencing would be 2.86 metres, which would run parallel to neighbouring gardens between 6 and 10 Thornton Road. There is an access road between the proposed fencing and the boundary treatment to neighbouring gardens, which is 5 metres in width, and there would be a distance of 16 metres from the back of the neighbouring properties.
- 9.4 Although it is acknowledged that the proposed fencing would be visible from neighbouring gardens, it is considered that the reduced height (from that originally submitted), distance, design and colour, would not appear overbearing or intrusive, therefore, its visual appearance would not be significant enough to warrant a refusal of planning permission in this instance.
- 9.5 Therefore, the proposed fencing is considered to be consistent with Policy.

#### 10. Conclusion

10.1 The ball stop fencing has been designed and located to sufficiently minimise the detriment to both the character and appearance of the street scene, and neighbouring amenities, therefore, is considered to be compliant with BCCS Policy ENV3, and UDP Policies D4, D6, D7, D8, and D9.

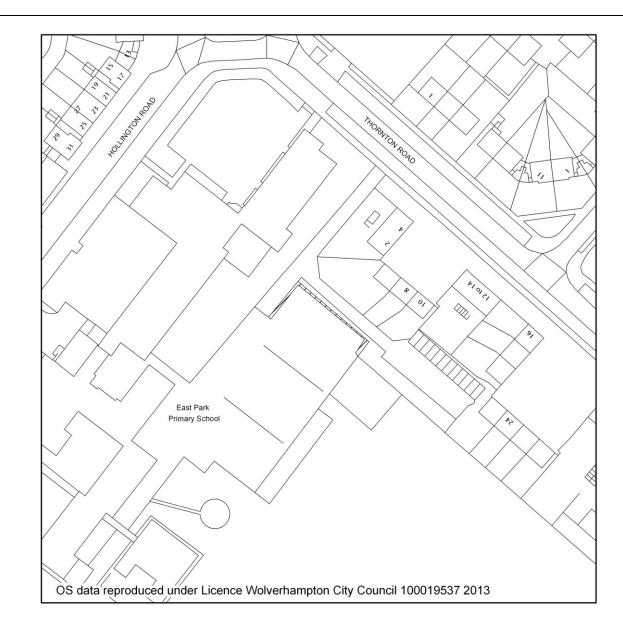
#### 11. Recommendation

- 11.1 That planning application 13/00506/FUL be granted planning permission subject to any appropriate conditions including:
  - Materials RAL 6005 Dark Green.

Case Officer: Ms Tracey Homfray Telephone No: 01902 555641

Telephone No . 01302 333041

Head of Planning - Stephen Alexander



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Planning Application No: 13/00506/FUL

Location	East Park Primary School, Hollington Road, Wolverhampton		
Plan Scale (approx)	1:1250 National Grid Reference		SJ 393772 298018
Plan Printed	21.08.2013	Application Site Area	39m²

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 shopfront and external flue to the

rear

APPLICANT: AGENT:

Mr Nazir Mohamed Mr Harjit Singh 173 Wellington Road HSM Planning Wolverhampton Bee Lane

WV14 6RN Wolverhampton

WV10 6LF

#### **COMMITTEE REPORT:**

#### 1. <u>Introduction</u>

1.1 This application was deferred by Planning Committee on 30 July for a site visit.

#### 2. <u>Site Description</u>

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

#### 3. Application details

3.1 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.

#### 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 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

#### 7. <u>Internal Consultees</u>

- 7.1 **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.
- 7.2 **Environmental Health** No objections subject to a condition requiring the installation and extraction system suitable to control the effects of cooking odours.

#### 8. <u>Legal Implications</u>

- 8.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 8.2 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 off the premises) of the Town and Country Planning (Use Classes) Order 1987. LD/06082013/T

#### 9. Appraisal

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

#### **Economic Impact**

9.2 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

- 9.3 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.
- 9.4 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

9.5 The proposed shopfront is satisfactory in terms of it's 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

9.6 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.

#### 10. Conclusion

10.1 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.

## 11. Recommendation

- 11.1 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	21.08.2013	Application Site Area	419m <sup>2</sup>

APP NO: 13/00564/FUL WARD: Penn

**RECEIVED:** 14.06.2013 **APP TYPE:** Full Application

**SITE:** 3 Mount Pleasant, Pennwood Lane, Wolverhampton

PROPOSAL: Two storey detached building to be used as a garage and gym at first

floor

APPLICANT: AGENT:

Mr Brian Longville 17 Broadfield Close Kingswinford Dudley DY6 9PY

#### **COMMITTEE REPORT:**

#### 1. <u>Site Description</u>

1.1 The property is located in a predominately residential area. The terraced property has off street parking to the side.

#### 2. Application details

2.1 The proposal is for a two storey detached building which is to be used as a garage and games room on the ground floor. The first floor is to be used as a gymnasium with a small bathroom at one end of the building.

#### 3. Planning History

3.1 No planning history.

#### 4. **Constraints**

4.1 Conservation Area - Vicarage Rd (Penn) 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)

#### 6. <u>Environmental Impact Assessment Regulations</u>

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 representation has been received from a neighbour who is opposed to the proposal. The neighbour has requested to speak at Planning Committee. The objections can be summarised as follows;
  - The property is of historical value;
  - The proposal is contrary to BCCS policy ENV2;
  - The proposal is contrary to UDP policy HE18

#### 8. <u>Internal Consultees</u>

- 8.1 **Historic Environment Team** No objections
- 8.2 **Transportation Development** No objections

#### 9. Legal Implications

9.1 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/01082013/A).

#### 10. Appraisal

- 10.1 The key issues are: -
  - Design;
  - Neighbour amenity
  - Streetscene and impact on the Conservation Area

#### <u>Design</u>

10.2 The design of the proposed two storey outbuilding is considered to be of a good quality design which is in keeping with the character and appearance of the property. The design of the building is considered to be acceptable and is in accordance with saved UDP Policy D9 and BCCS Policy ENV3.

#### Neighbour amenity

10.3 The height of the proposed building is 6.0m at its highest point, with a width of 3.65m and length of 7.6m. The proposed outbuilding is set well back from the front of the property. The proposed outbuilding is to be located on the same footprint as the existing garage. It is considered that due to the height, massing and position of the building it is unlikely to have an adverse affect on the living conditions of the neighbouring properties and therefore the proposal is in accordance with saved UDP Policies D4, D6 and D8.

#### Streetscene and impact on the Conservation Area.

10.4 The outbuilding is positioned to the side and rear of the property and therefore would not be unduly prominent in the streetscene. As such, the height and location of the outbuilding will preserve the character and appearance of the Vicarage Road (Penn) Conservation Area.

#### 11. Conclusion

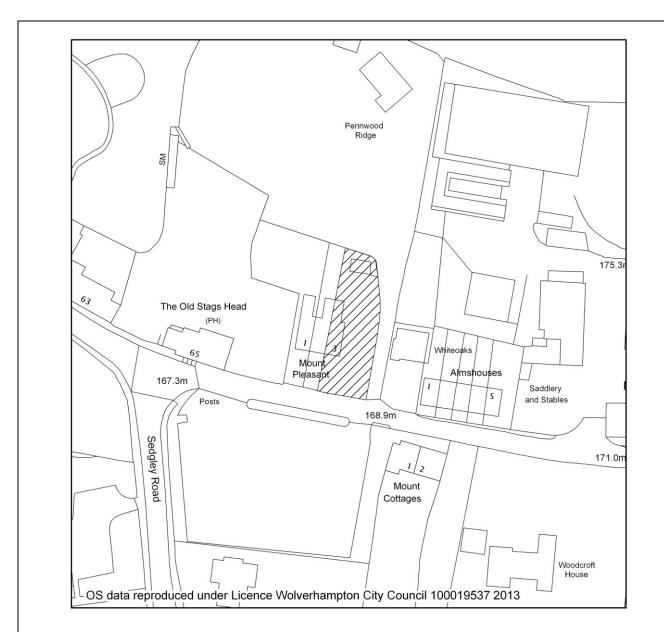
11.1 The height, massing and location of the outbuilding is unlikely to have an adverse impact on the living conditions of the neighbouring properties. The building is positioned to the side and rear of the property and would not be unduly prominent in the streetscene, preserving the character and appearance of the Conservation Area.

#### 12. Recommendation

12.1 That planning application 13/00564/FUL be granted subject to standard conditions.

Case Officer: Mr Dharam Vir Telephone No: 01902 555643

**Head of Planning – Stephen Alexander** 



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#### Planning Application No: 13/00564/FUL

Location	3 Mount Pleasant, Pennwood Lane, Wolverhampton		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 389549 295231
Plan Printed	21.08.2013	Application Site Area	453m²

**APP NO:** 13/00575/FUL **WARD:** Tettenhall Wightwick

RECEIVED: 17.06.2013
APP TYPE: Full Application

SITE: 9 High Street, Tettenhall, Wolverhampton

PROPOSAL: Change of use from Class A1 (Retail) to Class A5 (Hot food take-

away) to include installation of external flue to the rear

APPLICANT: AGENT:

Mr C Miah Mr Steev Ellson

5 Pugh Road Brock Charles Architects

Aston, Birmingham Unit 3 The Old School House Arrow

B6 5LL Alcester Warwickshire

B49 5PJ

#### COMMITTEE REPORT:

#### 1. <u>Site Description</u>

- 1.1 The application relates to a vacant retail unit in Tettenhall District Centre, which is located within Tettenhall Greens Conservation Area.
- 1.2 There are office units at first floor and flats in the immediate vicinity.

#### 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 an external flue to the rear of the building. The proposed opening hours are 17.30 to 22.30 hours Monday to Sunday inclusive.

#### 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 A Neighbourhood Plan for Tettenhall is in the process of being prepared, with the draft plan due to be published for public consultation soon. The Tettenhall District Community Council produced an Issues & Aspirations Report in September 2012 which emphasised the importance of local shopping facilities. As the Neighbourhood Plan is unable to be given significant planning weight

until it is adopted, applications have to be determined in accordance with the adopted Development Plan.

#### 4. <u>Environmental Impact Assessment Regulations</u>

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 13 letters objecting to the proposal have been received. Objections are made on the following grounds;
  - Inadequate parking facilities
  - Adverse impact on highway safety due to potential increase in traffic
  - Disturbance to nearby residents
  - Increased levels of anti-social behaviour
  - Increased litter
  - Increased noise disturbance
  - Cooking odour adversely affect amenity
  - Detrimental impact on conservation area
  - No demand for change of use, which is out of character
  - Reduction in daytime foot traffic

#### 6. <u>Internal Consultees</u>

- 6.1 **Transportation –** No objections.
- 6.2 **Environmental Health** No objections subject to a condition requiring the installation and extraction system suitable to control the effects of cooking odours.
- 6.3 **Historic Environment –** No objections.
- 6.4 **Police –** concerns about parking and increase in anti-social behaviour (ASB) or perception of ASB.

#### 7. Legal Implications

7.1 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/20082013/C)

#### 8. Appraisal

- 8.1 The key issues are: -
  - Principle of change of use
  - Impact on amenity
  - Parking
  - Impact on the conservation area

#### Principle of change of use

8.2 The unit is located within a district centre where policy SH10 requires that there should be no more than 30% (in terms of number or length) or three in a row, non-A1 units in any frontage. The proposal complies with the requirements of this policy and therefore is acceptable in principle.

#### Impact on amenity

- 8.3 The unit is located within a commercial area and there is an office located above. There are a number of dwellings in the nearby vicinity. It is not considered that the proposed use would generate unacceptable noise levels to adversely affect neighbour amenity, due to its location within an existing centre and the proposed hours of opening.
- 8.4 The application proposes the installation of a small extract cowl for the dispersal of cooking odours. The bulk of the flue would be located inside the building with the cowl appropriately located to the rear.

#### Parking

8.5 The unit is located within a district centre and there is a car park located to the rear. Therefore, there is no objection to the parking provision.

#### Impact on Conservation Area

8.6 The principle of the use is acceptable within the conservation area. The external cowl has been designed to project minimally from the ground floor roof (approximately 30cm) and would preserve the character and appearance of the conservation area.

#### 9. Conclusion

9.1 It is considered that the proposed change of use is appropriate for a unit located within a district centre. Whilst it is acknowledged that a hot food takeaway can cause disturbance from cooking odours, this would be minimised by the installation of an appropriately positioned and designed extraction system. There are parking facilities to the rear of the building and the change of use would bring a vacant commercial unit back into an active use. The proposal would not be contrary to planning policies governing the number of non-A1 units in the centre and would therefore be in accordance with the development plan. The design and position of the flue would preserve the character and appearance of the conservation area.

9.2 The proposal complies with UDP policies SH10, EP1, EP5, AM12, HE4, HE5, HE7 and BCCS policy CSP4 and CEN5.

## 10. Recommendation

- 10.1 That planning application 13/00575/FUL be granted subject to any appropriate conditions including;
  - Hours of opening 12.00-22.30 hours Monday to Sunday inclusive.
  - Refuse storage details

Case Officer: Ms Ann Wheeldon Telephone No: 01902 550348

**Head of Planning – Stephen Alexander** 



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Planning Application No: 13/00575/FUL

Training Application No. 10/00010/1 02				
Location	9 High Street, Tettenhall, Wolverhampton			
Plan Scale (approx)	1:1000	National Grid Reference	SJ 388728 300044	
Plan Printed	21.08.2013	Application Site Area	126m <sup>2</sup>	

APP NO: 13/00616/FUL WARD: Tettenhall Regis

RECEIVED: 27.06.2013
APP TYPE: Full Application

**SITE:** Coton Grange Residential Home, Stockwell End, Wolverhampton

**PROPOSAL:** Single storey side and rear extensions.

APPLICANT: AGENT: Colin Biggs

Coton Grange Residential Home
Stockwell End
Wolverhampton
WV6 9PH
CB Design Services Ltd
18 Sandhills Road
Barnt Green
Birmingham

**B45 8NR** 

#### **COMMITTEE REPORT:**

#### 1. <u>Site Description</u>

1.1 Coton Grange is a residential care home in Tettenhall Greens Conservation area which has been extended over a period of years. The building is set well back from the highway, which is a very narrow private road.

#### 2. Application Details

- 2.1 The premises currently have 13 rooms at ground floor and 11 rooms at first floor, making a total of 24 rooms. The proposal is for a single storey side extension to provide an additional 2 bedrooms and a single storey rear extension for laundry facilities. The proposed additional 2 bedrooms would give a total of 26 bedrooms.
- 2.2 The single storey side extension would be set back from the front face of the existing premises. This extension would be visible from the highway. The single storey rear laundry extension backs onto a golf course therefore is well hidden from the public highway.

### 3. Relevant Planning History

- 3.1 01/1468/FP for Two storey side extension, Granted, dated 14.01.2002.
- 3.2 98/0980/FP for New first floor link, conversion of bedroom into bathroom, new window and lower existing roof, Granted, dated 02.12.1998.

#### 4. Constraints

4.1 Conservation Area - Tettenhall Greens 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)

#### 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 13 representations received.
  - 11 objections
  - 2 in support
- 7.2 Objections are made on the following grounds:
  - Adverse impact on highway safety due to narrow lane
  - The development would result an increase in traffic using the narrow lane
  - Over development and out of character in Tettenhall Greens Conservation Area
  - Adverse impact on neighbouring property known as 'Greenways'
  - Detrimental impact on local residents and their amenities

#### 8. <u>Internal Consultees</u>

- 8.1 **Historic Environment Team** No objections.
- 8.2 **Transportation Development** No objections.
- 8.3 Adults Older People No objections.

#### 9. External Consultees

9.1 **Protection (Fire Safety) Admin** —Satisfactory for fire service access. The building is already there, the difficulties with emergency vehicles entering the narrow lane already exist therefore the two extensions proposed would not make that condition worse.

#### 10. Legal Implications

- 10.1 General legal implications are set out at the beginning of the schedule of planning applications.
- 10.2 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/20082013/B)

#### 11. Appraisal

- 11.1 The key issues are:-
  - Impact on highway
  - Scale/Layout
  - Neighbouring Amenities
  - Impact on the conservation area

#### Impact on highway

11.2 There are concerns raised by neighbouring residents in relation to the increase of traffic using the narrow lane due to the expansion of the residential home. However, there is adequate car parking space for visitors/staff. The addition of two bedrooms making a total of 26, will not add significantly to the level of traffic visiting the premises.

#### Scale/Layout

11.3 The residential care home has been previously extended over a period of years. The proposed extensions are for a single storey rear extension (laundry room) and a single storey side extension, to accommodate two additional bedrooms (providing 26 bedrooms in all). The residential home is located on a very large plot, which is considered adequate enough to support both the extensions and their usage, and therefore, would not constitute an overdevelopment of this site. The proposal would also be acceptable in the street scene.

#### **Neighbouring Amenities**

11.4 The proposed rear extension is single storey in height only, backs on to a golf course well hidden from view, and positioned a suitable distance away from neighbouring boundaries (in excess of 8.5m). Therefore, this element of the proposal would have no detrimental impact to amenities, such as outlook, light, sunlight or privacy.

11.5 The proposed side extension would be single storey only. So whilst it would be visible from the neighbouring property known as "Greenways", the height to the eaves of the proposed extension would be 2.1 metres and the overall finished height would be 3.2 metres, projecting out along the boundary by 5m with a hipped roof design. And so, due to the proposed height, massing and design the extension would not appear overbearing, and would not significantly reduce amenities to justify a refusal in this instance.

#### Impact on the Tettenhall Greens Conservation Area

11.6 Due to the small nature and their location generally out of the public view, the proposed extensions would preserve the character of the conservation area.

#### 12. Conclusion

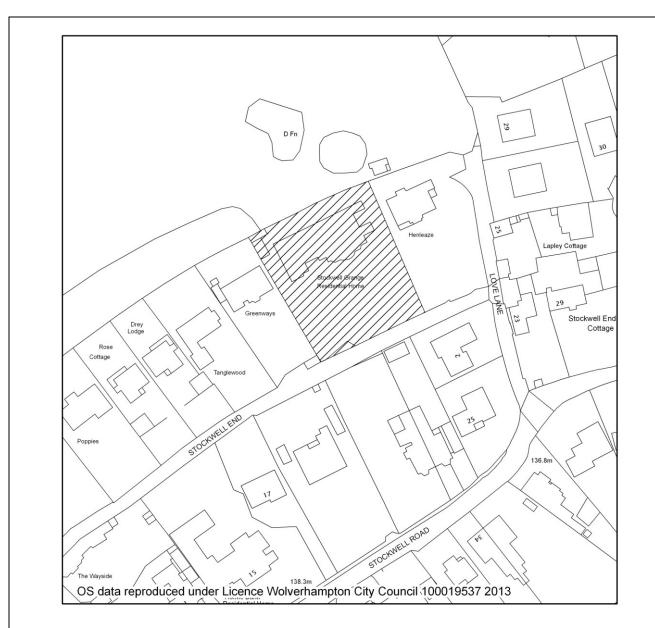
12.1 The proposed extensions are considered to be in keeping with both the existing property and the street scene they relate to; with a sufficient amount of garden space and parking to support both the extensions and their usage. Although the extensions would be clearly evident from neighbouring properties, amenities would not be significantly affected, therefore, the scale and design would preserve the character of the conservation area. The proposal is therefore considered to be compliant with UDP Policies AM12, AM15, D4, D6, D7, D8, D9, D11, H12, HE4, HE5 and BCCS Policies CSP4 and ENV3.

#### 13. Recommendation

- 13.1 That planning application 13/00616/FUL be granted subject to any appropriate conditions including:
  - Matching Materials

Case Officer: Ms Laleeta Butoy Telephone No: 01902 555605

**Head of Planning – Stephen Alexander** 



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#### Planning Application No: 13/00616/FUL

Location	Coton Grange Residential Home, Stockwell End, Wolverhampton		
Plan Scale (approx)	1:1250	National Grid Reference	SJ 388862 300682
Plan Printed	21.08.2013	Application Site Area	1967m²

APP NO: 13/00621/FUL WARD: St Peters

**RECEIVED:** 01.07.2013 **APP TYPE:** Full Application

**SITE:** Land Adjacent To And Behind Wickes, West Street, Wolverhampton

**PROPOSAL:** Formation of a car park on land adjacent to Wickes

APPLICANT: AGENT:

Wolverhampton Central Mosque Mr Richard Taylor
197 Waterloo Road ACP Architects
Wolverhampton Roma Parva
WV1 4RA Level Two
9 Waterloo Road

Wolverhampton WV1 4DJ

#### **COMMITTEE REPORT:**

#### 1. <u>Site Description</u>

- 1.1 The site is located approximately 1.15 Km North West of the city centre. The site is approximately 1.59 acres in size and is bounded by Dunstall Hill to the West and Dunstall Road to the South.
- 1.2 The site comprises an area of urban landscaping which consists of an area planted with a mixture of mature trees including White Poplars, Field Maple, Cherry Laurel, Hawthorn Sycamore, Birch and Ash. The trees are set in rows diagonally orientated to the alignment of the roads and spaced at approximately 10m centres. The site also has a grassed area which is used as an open space amenity area.
- 1.3 The site rises slowly from the South of the site to the North and from east to west. There are residential properties to the West of the site.

#### 2. Application details

- 2.1 The proposal is for the creation of a secure car park between Dunstall Hill and the side of the Wickes store and its car park. The proposed car park will provide parking for 76 vehicles solely for the use by visitors to the Mosque. The car park will be closed by the Mosque when it is not in use.
- 2.2 The car park vehicle access will be through West Street with a pedestrian only access onto Dunstall Hill. There will be no vehicle access from Dunstall Hill. The West Street access is to be controlled by a barrier which will be lowered when the car park is not in use by the Mosque. The West Street vehicle access will help to reduce the visitor traffic from the surrounding residential roads. The

- car park will be separated into four distinct blocks of car parking with a central spine road.
- 2.3 The creation of the car park will result in the loss of some trees from the site. However, the tree'd effect will be retained which will still screen the large Wickes store from the residential properties. It is also proposed to plant a row of Pyrus Calleryana "Chanticleer" along the boundary with Dunstall Hill. There are no Tree Preservation Orders on the site.
- 2.4 The main central spine road of the car park will have a tarmacadam surface. The car parking bays will be constructed of Infilitia permeable block pavers using a 90 degree herringbone pattern. The bays are to be layed on a sub base replacement system for water infiltration/attenuation.
- 2.5 The proposed boundary treatment is of a 1.5m high hoop top metal rail fence galvanised with powder coated paint finish. New 0.9m high timber bollards splayed at a distance of 1.8m are proposed along Dunstall Road to prevent unauthorised access for vehicles to this part of the site.

#### 3. Constraints

3.1 Public Open Space

#### 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 Twenty representations and a petition received objecting to the proposal. The objections can be summarised as follows;
  - Loss of open space
  - Loss of trees
  - Increase in crime
  - Light and noise pollution
  - Access road unable to cope with traffic
  - Car park not needed
  - Out of character
  - Unacceptable visual impact

#### 7. Internal Consultees

- 7.1 **Tree Officers** New tree planting should be native or clones of native deciduous trees.
- 7.2 **Parks** No comments
- 7.3 **Planning Policy Section** No objection
- 7.4 **Property Services Estates** No comments
- 7.5 **Landscape & Ecology** New tree planting should be or clones of native deciduous trees for biodiversity reasons.
- 7.6 **Transportation Development** No objection

#### 8. External Consultees

8.1 **PC Angela Hodgetts** – No objections

#### 9. Legal Implications

9.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/06082013/H).

#### 10. Appraisal

- 10.1 The key issues are: -
  - Design;
  - Amenity; and
  - Streetscene

#### Design

- 10.2 The design and layout of the car park is considered to be acceptable. The proposal is to replace a linear strip of predominately grassland which occupies an area of 0.18 hectares with a hard surface. The proposed hard surface will consist of tarmacadam for the central spine road and permeable block pavers layed in a herringbone pattern. The four separate distinct blocks of car parking areas will have the effect of breaking up the car park into smaller units to improve the appearance.
- 10.3 The car park will be screened by the proposed planting of a row of Pyrus Calleryana "Chanticleer" along Dunstall Hill. Also proposed is a boundary treatment of a 1.5m high hoop top metal fence, galvanised with powder coated paint finish. The proposal complies with UDP policy D9 and BCCS policy ENV3.

#### Amenity

- 10.4 The proposed car park is likely to reduce the Mosque visitor vehicular traffic from the surrounding roads and help to improve the amenity of local residents at periods of peak parking demand.
- 10.5 The main area of trees that is located between Wickes and Dunstall Hill will be retained and therefore the Wickes store will be visually screened from the residential properties on Dunstall Hill. The car park will create some visual intrusion but is unlikely to dominate due to the backdrop of the remaining trees. The proposed planting of a row of pear trees along the boundary of Dunstall Hill will help to visually screen the car park. Therefore, it is unlikely to adversely affect the visual amenity of residents within the ground floor rooms.
- 10.6 There will be parts of the open space which will be lost in terms of access and use. However, the main usable open grassland at the western end of the site and adjacent green space will remain open. There is a much larger area of public open space in the vicinity which is located between Waterloo Road, Staveley Road and Dunstall Road. The proposal complies with UDP policy D5, D6 and D9.

#### Streetscene

10.7 The proposal for the formation of the car park at this location is considered to be acceptable. The main area of trees will remain and will continue to screen the Wickes building from the residential properties. A total of 22 trees will be removed and 19 replacement trees will be planted. The new planting along Dunstall Hill will create a buffer between the residential properties and the proposed car park. The proposal complies with UDP policy D9 and BCCS ENV3.

#### 11. Conclusion

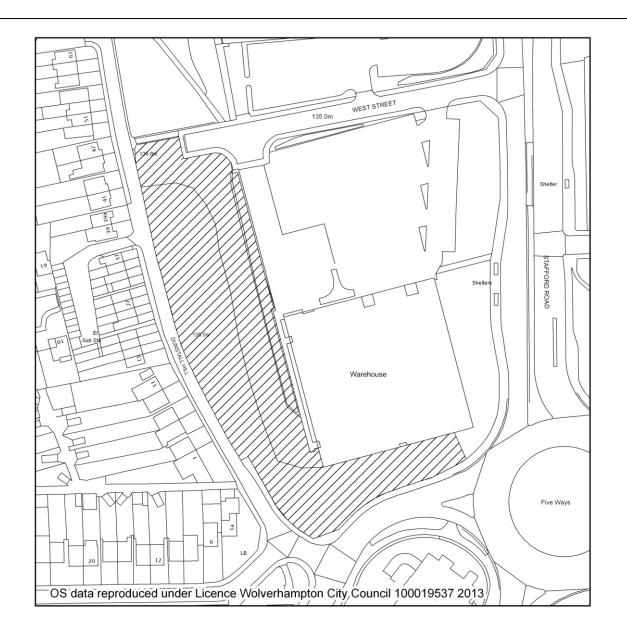
11.1 The design of the proposed car park is considered to be acceptable and responds positively to the distinctiveness of the locality. The removal of 22 trees and planting of 19 will provide a buffer and screening between the car park and residential properties. The loss of this proportion of this public open space will not have a serious effect on the overall provision and availability of public open space in the locality

#### 12. Recommendation

12.1 That planning application 13/00621/FUL be granted subject to standard conditions.

Case Officer: Mr Dharam Vir Telephone No: 01902 555643

**Head of Planning – Stephen Alexander** 



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Planning Application No: 13/00621/FUL

	9 / 00/1000000111101				
Location	Land Adjacent To And Behind Wickes, West Street, Wolverhampton				
Plan Scale (approx)	1:1250	National Grid Reference	SJ 391272 299904		
Plan Printed	21.08.2013	Application Site Area	6344m²		

**APP NO:** 13/00666/FUL **WARD:** Tettenhall Wightwick

**RECEIVED:** 12.07.2013 **APP TYPE:** Full Application

SITE: 21 Castlecroft Lane, Wolverhampton, WV3 8JX

**PROPOSAL:** Two storey rear extension

APPLICANT: AGENT:

Mr Carwyn Owen
21 Casltecroft Lane
Wolverhampton

Mr Martin Faulkner
TDF Design Associates
202 Spies Lane

WV3 8JX Halesowen
B62 9SW

#### **COMMITTEE REPORT:**

#### 1. <u>Site Description</u>

1.1 The application site is a two storey detached house in a residential area set back from the highway.

## 2. Application details

2.1 The application is for a two storey rear extension to extend the ground floor kitchen facilities and provide an additional bedroom above.

#### 3. Planning History

3.1 13/00351/FUL for two storey rear extension, Refused, dated 17.05.2013

#### 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)

SPG No. 4 House Extensions

# 5. Environmental Impact Assessment Regulations

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

# 6. Publicity

- 6.1 1 letter of objection.
- 6.2 Objector has requested to speak at Planning Committee.
- 6.3 The resident at No. 19A has objected on the following grounds:
  - Visual impact
  - Adversely affects outlook and enjoyment of garden space
  - Reduce sunlight/daylight into kitchen/dining room

# 7. <u>Legal Implications</u>

7.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/20082013/E

# 8. Appraisal

- 8.1 The key issue is: -
  - Impact on neighbour amenities

#### Impact on neighbour amenities

- 8.2 A previous application for a two storey rear extension was refused planning permission at this site, for reasons of overbearing impact and loss of residential amenity to occupants of a neighbouring house, 19A Castlecroft Lane. That extension projected 4 metres from the rear.
- 8.3 This proposal is significantly smaller than the refused extension and is in scale and character with its setting. It would only project 3.3 metres from the rear elevation and be positioned away from the boundaries with 19 A and 23 Castlecroft Lane, with no first floor side windows. There would therefore now be no undue adverse impact upon neighbour amenity.
- 8.4 The proposals comply with UDP policies D4, D6, D7, D8, D9, H6, and BCCS policies CSP4 and ENV3

# 9. Conclusion

9.1 The design is acceptable and there would be no material detriment to neighbour amenity. The proposals comply with the policies of the Development Plan.

# 10. Recommendation

- 10.1 That planning application 13/00666/FUL be granted subject to any appropriate conditions including;
  - Matching materials
  - No windows or other form of opening above ground level shall be introduced into the side elevations

Case Officer: Ms Laleeta Butoy Telephone No: 01902 555605



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#### Planning Application No: 13/00666/FUL

Location	21 Castlecroft Lane,	Wolverhampto ,WV3 8JX	
Plan Scale (approx)	1:1250	National Grid Reference	SJ 386950 298120
Plan Printed	21.08.2013	Application Site Area	723m <sup>2</sup>

# PLANNING COMMITTEE - 03-Sep-13

APP NO: 13/00767/FUL WARD: Ettingshall

**RECEIVED:** 08.08.2013

**APP TYPE:** Full Application

**SITE:** Open Space Behind 54 To 128, Thompson Avenue, Wolverhampton

**PROPOSAL:** Erection of 120 dwellings

APPLICANT: AGENT:

Mr David Summers
Kier Partnership Homes
Tungsten Building
Central Boulevard
Blythe Valley Park
Solihull
B90 8AU

#### **COMMITTEE REPORT:**

# 1. <u>Site Description</u>

1.1 This 3ha site comprises the Thompson Avenue Open Space and a small area of additional land on Silver Birch Road, which used to form part of the Silver Birch public house site. To the south, west and north is housing and to the east are allotments. The public open space is currently accessed from Thompson Avenue, Silver Birch Road and Willcock Road.

# 2. <u>Application Details</u>

- 2.1 The application proposes 120 dwellings of which a minimum of 25% will be affordable units.
- 2.2 The proposed layout is based on a loop road, accessed from Silver Birch Road and Willcock Road. The pedestrian access off Thompson Avenue would be retained.
- 2.3 The houses would be in red brick, with blue brick detailing.

# 3. Relevant Policies

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

3.3 Supplementary Planning Guidance SPG3 – Residential Development Affordable Housing SPD

# 4. <u>Environmental Impact Assessment Regulations</u>

- 4.1 "The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (SI 2011/1824) require that where certain proposals are likely to have significant effects upon the environment, it is necessary to provide a formal "Environmental Impact Assessment" to accompany the planning application.
- 4.2 This application is considered to be a Schedule 2 Project as defined by the above Regulations. The "screening opinion" of the Local Planning Authority is that a formal Environmental Impact Assessment is not required in this instance as the development is unlikely to have a significant effect on the environment as defined by the above Regulations and case law.

# 5. **Publicity**

5.1 No representations received.

# 6. <u>Internal Consultees</u>

- 6.1 Transportation No objections subject to resolution of a minor highway adoption issue.
- 6.2 Environmental Services No objections subject to hours of construction being controlled and site remediation being conditioned.
- 6.3 Trees No objections subject to submission of an acceptable tree survey.
- 6.4 Ecology Comments awaited.

# 7. External Consultees

- 7.1 Police No objection.
- 7.2 Coal Authority and Environment Agency Comments awaited.

# 8. <u>Legal Implications</u>

8.1 General legal implications are set out at the beginning of the schedule of planning applications (LM/13082013/U).

# 9. Appraisal

- 9.1 Key issues:
  - Acceptability of residential development and loss of open space
  - Design
  - Planning Obligations

# Acceptability of residential development and loss of open space

- 9.2 The land is identified in the UDP as an allocated housing site. On 12<sup>th</sup> September 2012 Cabinet approved residential development on Thompson Avenue open space to include new Council housing. Subsequent to this, on 21<sup>st</sup> May 2013, Kier Group was approved as the preferred Delivery Partner for the housing development.
- 9.3 On 21<sup>st</sup> May 2013 Cabinet agreed a recommendation to transfer a sum of £200,000 from the Housing Revenue Account to the Leisure Services portfolio for the improvement of changing facilities at Rookery Avenue open space to compensate for the loss of the Thompson Avenue Open Space.

#### Design

- 9.4 The layout and house types are acceptable. Car parking provision is also acceptable.
- 9.5 The positioning of the proposed houses respects the privacy, daylight and outlook from adjacent dwellings as well as providing for the amenities of future occupiers.
- 9.6 The proposals comply with UDP policies D4, D5, D6, D7, D8, D9, D10, H6 AM12 and BCCS policies CSP4, ENV3 and TRAN2.

#### Planning obligations

- 9.7 An off-site contribution for open space and play is not required as there is adequate open space and play provision in the area. Therefore, in accordance with the development plan there is a requirement for:
  - a minimum of 25% affordable housing
  - various highway works, including traffic regulation orders
  - management of communal areas
  - targeted recruitment and training
  - 10% renewable energy
- 9.8 The planning obligations are to be secured through the Development Agreement with the applicant.
- 9.9 Although the development plan requirement is for a minimum 25% affordable housing the Development Agreement will secure a minimum 30% affordable housing.
- 9.10 The developer has confirmed they are able to incorporate only 6% renewable energy generation. They state that a variety of sustainable energy sources and generation methods have been assessed and costed but the achievement of the full 10% target would make the proposal financially unviable. On balance, taking into account the wider regeneration, social and

economic benefits of providing new housing, including a minimum 30% affordable housing at this site, it is acceptable in this particular case to accept a reduced requirement for renewable energy generation.

# 10. Conclusion

10.1 Residential development is acceptable in principle and the details of the proposal are acceptable. Subject to no overriding objections from outstanding consultees and neighbours, resolution of minor highway adoption issue, receipt of an acceptable tree report, conditions and a Development Agreement as recommended, the development would be 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 13/00767/FUL subject to:
  - No overriding objections from Neighbours, Ecologist, Coal Authority or Environment Agency
  - (ii) Submission of an acceptable Tree Survey
  - (iii) Negotiation and completion of a Development Agreement to secure:
    - a minimum of 30% affordable housing
    - various highway works including traffic regulation orders
    - targeted recruitment and training
    - management of communal areas
    - 6% renewable energy
  - (iv) Submission of amended plans to resolve minor highway adoption matter
  - (v) Any necessary conditions to include:
    - Materials
    - Landscaping
    - Boundary treatment (including car park access gates)
    - Measures to reduce impact of construction on residents, including no construction outside hours of 0800-1800 in including Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
    - Drainage
    - Site investigation and remediation
    - Site waste management plan
    - Levels
    - Travel plan

Case Officer: Mr Phillip Walker Telephone No: 01902 555632



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Planning Application No: 13/00767/FUL

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Location	Open Space Behind 54 To 128, Thompson Avenue, Wolverhampton		
Plan Scale (approx)	1:5000	National Grid Reference	SJ 392124 297044
Plan Printed	21.08.2013	Application Site Area	31159m <sup>2</sup>

# PLANNING COMMITTEE - 03-Sep-13

**APP NO:** 13/00654/FUL **WARD:** Penn

**RECEIVED:** 09.07.2013 **APP TYPE:** Full Application

**SITE:** The Warstones Inn, Warstones Road, Wolverhampton

**PROPOSAL:** Demolition of existing public house and erection of 14 dwellings with

associated access, parking and amenity areas.

APPLICANT: AGENT:

Mr Carl Tatton Mr Otto De Weijer

Tatton Hall Homes Ltd Dutch Architecture and Design Ltd

c/o agent Barn 5a

Sutton Hall Farm Sutton Maddock Shropshire TF11 9NQ

**COMMITTEE REPORT:** 

# 1. Site Description

- 1.1 The site consists of the Warstones Inn Public House, car park and rear garden. To the east is open space, and to the north and south are two storey houses. On the opposite side of Warstones Inn are residential flats and houses.
- 1.2 The Warstones Inn has been closed since April 2013.

# 2. <u>Application Details</u>

- 2.1 The application seeks full planning permission to replace the public house with 14 two storey houses. The scheme will include four 4 bedroomed houses and ten 3 bedroomed houses, all of which will be of a traditional appearance with a facing brickwork and render finish. All properties will have curtilage parking areas and rear private gardens.
- 2.2 The proposed housing would be focused around a central access road, but with five of the dwellings fronting onto Warstones Road.

# 3. Planning History

- 3.1 13/00519/DEM. Demolition of Warstones Inn and associated buildings. Granted 19.06.2013.
- 3.2 11/01198/FUL. Change of use from public house to a Veterinary Practice. Granted 17.12.2012.

# 4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
  Wolverhampton Unitary Development Plan (UDP)
  Black Country Core Strategy (BCCS)
- 4.3 Supplementary Planning Guidance SPG3 Residential Development

# 5. <u>Environmental Impact Assessment Regulations</u>

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 Local Neighbourhood Partnership – Support the proposals.

# 7. <u>Internal Consultees</u>

- 7.1 **Transportation Development** No objection.
- 7.2 **Environmental Health** No objections subject to hours of construction being controlled and a construction management plan conditioned.

#### 8. Legal Implications

8.1 General legal implications are set out at the beginning of the schedule planning applications (LD/13082013/A).

# 9. Appraisal

- 9.1 Key issues:
  - Acceptability of residential development and loss of public house use
  - Design
  - S106 Obligations

# Acceptability of residential development and loss of public house use

- 9.2 The site is located in a residential area and is suitable for residential development. The proposal is in accordance with BCCS policies HOU1 and HOU2.
- 9.3 The public house has been closed since April 2013. The required notice has already been submitted and 'approved' for its demolition. (Ref 13/00519/DEM)

and planning permission has previously been granted for a redevelopment of the site (ref 11/01198/FUL). The site has been offered for sale on the open market since October 2011 and no interest has been expressed in acquiring the site to operate it as a public house. There are four other public houses within 500 metres of the site. The application complies with policy C3 of the UDP.

#### Design

- 9.4 The layout and house types are acceptable. A minimum of 2 car parking spaces per dwelling would be provided, with 3 spaces for the larger houses.
- 9.5 The positioning of the proposed houses respects the privacy, daylight and outlook from adjacent dwellings as well as providing for the amenities of future occupiers.
- 9.6 The proposals comply with UDP policies D4, D5, D6, D7, D8, D10, H6 AM12 and BCCS policies CSP4, ENV3 and TRAN2.

#### Planning Obligations

- 9.7 In accordance with UDP policies H8 there is a requirement for:
  - Public open space contribution up to £102,370.04 (BCIS indexed) dependent upon local need

# 10. <u>Conclusion</u>

10.1 Residential development is acceptable in principle and the details of the proposal are acceptable. Subject to conditions and a S106 agreement as recommended, the development would be 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 13/00654/FUL subject to:
  - (i) Negotiation and completion of a S106 Agreement to secure:
    - public open space contribution up to £102,370.04 (BCIS indexed) dependent upon local need
    - Management company for communal spaces
  - (ii) Any necessary conditions to include:
    - Materials
    - Landscaping
    - Boundary treatments
    - Construction management plan
    - No construction outside hours of 0800-1800 including Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
    - Drainage
    - Tree protection measures
    - Targeted recruitment and training

- 10% renewable energy
- Replacement street trees

Note for information: The new access road to be built to Wolverhampton City Council adoptable standards

Case Officer: Mr Phillip Walker Telephone No: 01902 555632



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Planning Application No: 13/00654/FUL

Location	The Warstones Inn, Warstones Road, Wolverhampton			
Plan Scale (approx)	1:1250	National Grid Reference	SJ 388804 296172	
Plan Printed	21.08.2013	Application Site Area	3571m <sup>2</sup>	

# PLANNING COMMITTEE - 03-Sep-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: AGENT:

Ms Sarah Norman Mr Edward D'Oyle

Wolverhampton City Council
Civic Centre

Wolverhampton City Council
Landscape And Ecology Practice

St Peter's Square Culwell Street Depot

Wolverhampton Culwell Street WV1 1RP Wolverhampton WV10 0JN

#### COMMITTEE REPORT:

#### 1. Background

1.1 This application was deferred by Planning Committee on 30<sup>th</sup> July for a site visit.

# 2. <u>Site Description</u>

2.1 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.

#### 3. Application Details

- 3.1 The application seeks permission to construct a BMX cycle track. It would be sited within the north-western part of the site, eighty metresaway from the rear gardens of the nearest housing on Hilton Road.
- 3.2 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.
- 3.3 The BMX track would not be used for competitions and no external lighting is proposed.
- 3.4 The existing football and rugby pitches at the site would be retained. The football pitch adjoining the BMX track would be slightly reconfigured such that it

- would be positioned approximately 5-10 metres nearer to the rear gardens of housing along Hilton Road and suitable only for 'junior' football.
- 3.5 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.

# 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 Two letters of support received from Councillor Richard Whitehouse and Phil Bennon MEP.

#### Comments as follows:

- This is a much needed recreational facility for local people.
- It will be a safe environment close to the local community hall, enabling people to take part in what is now an Olympic sport.
- The proposals are supported by Lanesfield Tenants and Residents Committee and Hilton Hall Community Association.
- The BMX track would be positioned away from housing.
- The existing football pitches would be retained.
- A similar facility has been created at Greenway Playing Fields in Bradley and anti-social behaviour/ noise nuisance has not been a problem there.
- The Police support the proposals.
- The car park at the site would be able to accommodate the likely additional car parking.

Twelve letters of objection received. Comments as follows:

- 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

# 7. Internal Consultees

7.1 Environmental Services and Transportation – No objection.

# 8. <u>External Consultees</u>

8.1 Police – No objection.

#### 9. <u>Legal Implications</u>

9.1 General legal implications are set out at the beginning of the schedule of planning applications (LD/07082013/A).

# 10. Appraisal

- 10.1 The site is currently used for recreational uses and the BMX cycle track would diversify the recreational facilities available at the site. It will be positioned such that the other formal recreational activities at the site, football and rugby, can continue to be played.
- 10.2 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.
- 10.3 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 upon neighbour amenity.
- 10.4 The reconfiguration of the existing 'junior' football pitch would not result in a loss of residential amenity to occupiers of housing along Hilton Road.
- 10.5 A local resident has suggested alternative locations for the BMX track, at Woodcross Park or Springvale Park. Although these locations were considered they were not found to be suitable locations for a BMX track as they are remote from the communities it is intended the BMX track would serve. In addition, Springvale Park is designated as a Site of Importance for Nature Conservation. The construction of a BMX track at that site would have an unacceptable environmental impact.
- 10.6 The proposals comply with UDP policies D6, D7, D8, D10, R9 AM12 and BCCS policies CSP4, ENV3 and TRAN2.

# 11. Conclusion

11.1 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.

# 12. Recommendation

- 12.1 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



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Planning Application No. 13/00497/FUL

Flaming Application No. 15/00497/FOL			
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	21.08.2013	Application Site Area	1528m²

# PLANNING COMMITTEE - 03-Sep-13

APP NO: 13/00590/FUL WARD: Tettenhall Wightwick

RECEIVED: 14.06.2013
APP TYPE: Full Application

SITE: Land Adjacent 82 White Oak Drive, Wolverhampton, WV3 9AF

PROPOSAL: Three bedroom detached house

APPLICANT: AGENT: Mrs. J.M. Baylis Mr. R. West

39 Mount Road 268 Henwood Road

Tettenhall Wood Tettenhall Wolverhampton WV6 8HR WV6 8NZ

#### **COMMITTEE REPORT:**

# 1. Site Description

- 1.1 The application site is comprised by land part of 82 White Oak Drive and grassed land with trees in the Council's ownership. The plot is irregular in shape, the maximum depth is approximately 34m by approximately 10m on its wider part.
- 1.2 The site is in close proximity to the Castlecroft Road and White Oak Drive junction.
- 1.3 Although the site is in close proximity to St Columbus United Reformed Church and a community centre, the surrounding area is mainly residential.
- 1.4 The application site is located approximately 50m away from Castlecroft Gardens Conservation Area.
- 1.5 Within walking distance from the application site is the White Oak Drive Open Space, an amenity open space of approximately 0.33ha in size. There is also a children's play area at the White Oak Drive Library opposite this open space.

# 2. Application details

- 2.1 The application proposal consists of a two storey detached 3 bedroom house.
- 2.2 The proposal would involve the demolition of the existing flat roof garage at 82 White Oak Drive and one young tree would be felled as it is located in close proximity to the proposed dwelling. The remaining trees on land in Council's ownership would be retained.

- 2.3 Vehicular access to the new dwelling would be via the existing dropped kerb for 82 White Oaks Drive. Off street parking is also to be provided consisting of two spaces.
- 2.4 The character and appearance of the proposed dwelling would be similar to those detached houses along Castlecroft Road.
- 2.5 The proposed dwelling would have the same height as neighbouring dwellings in White Oak Drive.

# 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 Supplementary Planning Guidance SPG3 Residential Development
- 3.4 Tettenhall District Community Council Neighbourhood Plan Issues and aspirations Report September 2012

# 4. <u>Environmental Impact Assessment Regulations</u>

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 Twelve representations and two Councillor objections to the proposal have been received. Objections are made on the following grounds;
  - Contrary to the Neighbourhood Plan
  - Pedestrian Safety
  - Inadequate Visibility
  - Adverse impact on highway safety due to increase in traffic.
  - Loss of open space
  - Loss of trees
  - Neighbour notification incomplete
  - Council owned land potential conflict of interests
  - Unacceptable visual impact
  - Environmental Impact Assessment
  - Detrimental to residential amenity
  - Increase in the likelihood of new development
  - Loss of privacy
  - Loss of sunlight

- Loss of view
- Out of character
- Undesirable precedent
- Detrimental effect to Castlecroft Gardens Conservation Area
- Loss of hedge
- Wildlife birds and bats affected
- Building too high
- Overlooking
- Overshadowing
- Proximity of building side boundaries
- Noise control
- Backland development

#### 6. <u>Internal Consultees</u>

- 6.1 **Environmental Health** No objections subject to an operational hours condition during the construction phase.
- 6.2 **Transportation Development** No objections subject to driveway and dropped kerb being widened by 2 metres.
- 6.3 **Tree Officers** No objections.

# 7. <u>Legal Implications</u>

7.1 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/20082013/D).

# 8. Appraisal

- 8.1 The key issues are: -
  - Principle of Development
  - Design, Sitting & Appearance
  - Impact on property No. 82 White Oak Drive
  - Implications with regards to the loss of open space
  - Impact on wildlife and loss of trees
  - Highway Safety and kerb requirements
  - Impact on Castle Croft Gardens Conservation Area

#### Principle of Development

8.2 The land is partially occupied by No. 82 White Oak Drive and a small part of a larger area of open grassed land with trees, which is unallocated in the Unitary Development Plan. The surrounding area is mainly residential. UDP Policy R3 states that development which would result in the loss of part of an open space will not be permitted unless it is surplus to requirements in terms of its existing and potential value to the community. This larger area was not identified as a functional open space (i.e. of value) in the Council's Open Space Audit and Needs Assessment (2008) and there is a sufficient amount of open space in this part of the City to meet standards set out in this Assessment. Therefore, a proposal for residential use at this particular location would be acceptable in principle and in accordance with Wolverhampton's UDP policies and guidance.

# Design, Sitting & Appearance

- 8.3 The width and height of the proposed building would follow existing ones at White Oak Drive.
- 8.4 The design of the proposed house uses similar architectural features such as a fully hipped roof and a ground floor bay window as other detached houses along Castlecroft Road.
- 8.5 The siting of the proposed dwelling will follow existing building line, the plot size and garden provision is in accordance with surrounding residential properties.
- 8.6 Therefore, the proposed detached dwelling responds positively to the established pattern of the buildings, spatial character and building lines.

# Impact on property No. 82 White Oak Drive

- 8.7 Neighbouring residents have raised concerns with regards to privacy and overshadowing.
- 8.8 The proposed building would be sited approximately 1.2m away from the boundary with No. 82 building and 2m from the house at No. 82. The footprint of the proposed building steps out by approximately 2.5m from No. 82 rear elevation. No. 82 rear elevation faces west. There would therefore be some shading effect during the morning time, however, during pre-application discussions the proposed building was amended to have a hipped roof design rather than gabled, to minimise this effect.
- 8.9 No. 82 at first floor level has a bathroom window closest to the proposed building. This window is obscured glazed. If looking from the adjacent bedroom window and drawing a 45 degree angle the proposed building would not seriously affect the view. Therefore, there is no detrimental effect on No. 82 residential amenity or the amenity from other surrounding neighbours further away.
- 8.10 With regard to loss of privacy, there are no windows at first floor level proposed facing towards No. 82; however, to prevent any future windows at first floor level, a condition to remove permitted development rights would be required.

#### Implications with regard to the loss of open space

- 8.11 In accordance with current UDP policies and the Open Space Audit and Needs Assessment published in 2008, the land was not identified as a 'functional' open space.
- 8.12 There is also within walking distance from the application site, the White Oak Drive Open Space and a children's play area.
- 8.13 In accordance with neighbours' objections, the Tettenhall Issues and Aspirations Report was published in September 2012 as a clear expression of local priorities. This document summarised the evidence and issues identified in the production of the Neighbourhood Plan and is being used to inform the preparation of the draft Plan when it is published for public consultation. The Issues and Aspirations Report refers to green and open spaces as an important element of the character of the area. The larger area of open space of which this site forms part has been identified by the local community as contributing to the character of the area as part of the initial work on the Plan.
- 8.14 However, it is considered that the loss of this very limited area of grass (with one tree and hedge to be removed) will not significantly harm the character of the area nor significantly reduce the amount of currently available open amenity space in the locality.

# Impact on wildlife and loss of trees

- 8.15 There are no eco-records on site or in the immediate vicinity that shows the presence of any protected species. The proposed development would require the loss of one tree. After visiting the site, it is considered that the tree is relatively young which makes extremely unlikely that it would provide for any bat roost.
- 8.16 The flat roof garage was built on the late 1980's. It is a relatively new building, and so this also is unlikely to have roosting bats.
- 8.17 There are no objections regarding to the loss of the tree or the existing hedge running along No. 82 southern boundary line. However, a note for information would be required for any trees or hedges not to be removed during the birds' nesting season.

#### Highway Safety and kerb requirements

8.18 Amended plans showing a 5 metre wide access, shared with 82 White Oaks Drive have been received. The proposed access would improve visibility. It is considered that the proposed development would not have a detrimental effect on highway grounds.

#### Impact on Castle Croft Gardens Conservation Area

- 8.19 The proposed dwelling would be sited within 50m proximity to Castle Croft Gardens Conservation Area. It is considered that due to the distance and the sympathetic scale and design of the proposal it would have no adverse impact on the character and appearance of the Conservation Area.
- 8.20 Therefore, for the reasons outlined above, the proposed detached house would be in accordance with UDP policies from the Design Chapter, H6, AM12, AM15, N7, HE3, HE4, and BCCS policies ENV3 and CSP4.

# 9. <u>Conclusion</u>

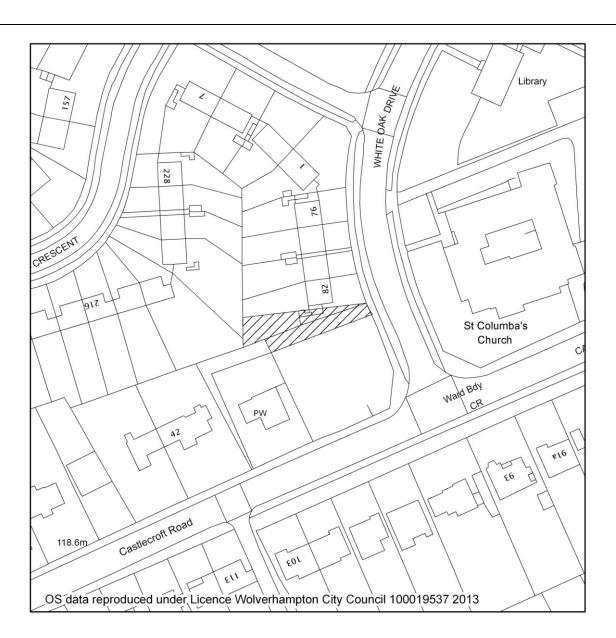
9.1 The development is acceptable and in accordance with the Development Plan, subject to any necessary conditions.

# 10. Recommendation

- 10.1 That Planning Application 13/00590/FUL be granted, subject to the following conditions:
  - Submission of materials
  - No side windows at first floor level (removal of permitted development rights)
  - Operational hours during the construction phase.

Case Officer: Ms Marcela Quiñones

Telephone No: 01902 555607



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Planning Application No: 13/00590/FUL

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Location	Land Adjacent 82 White Oak Drive, Wolverhampton, WV3 9AF		
Plan Scale (approx)	1:1000	National Grid Reference	SJ 388168 297899
Plan Printed	21.08.2013	Application Site Area	231m <sup>2</sup>

# PLANNING COMMITTEE - 03-Sep-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

**PROPOSAL:** Create 13 parking bays.

APPLICANT: AGENT:

Mr G Williams Mr G Williams

URS Infrastructure & Environment UK URS

Limited 3 Pemberton House

3 Pemberton House Stafford Court Stafford Park Stafford Park

Telford Telford TF3 3AP TF3 3AP

#### **COMMITTEE REPORT:**

# 1. Introduction

1.1 This application was deferred by Planning Committee on 30 July for a site visit.

# 2. <u>Site Description</u>

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

# 3. Application details

3.1 Create 13 parking bays.

# 4. **Constraints**

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

# 5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:

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

# 7. Publicity

- 7.1 Four representations received. 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.

# 8. <u>Internal Consultees</u>

8.1 Tree Officer and Transportation Officer: No objections.

# 9. <u>Legal Implications</u>

9.1 General legal implications are set out at the beginning of the schedule of planning applications. LD/31072013/A.

# 10. Appraisal

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

# Highway safety and obstruction

- 10.2 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.
- 10.3 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

10.4 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.

- 10.5 The parking of vehicles on this land would not unduly affect amenity or create undue noise and disturbance for occupants and neighbouring properties.
- 10.6 The proposal is therefore acceptable and in accordance with UDP policies D9, D13, AM12, AM15, EP1, EP5, EP6, BCCS policies ENV3, ENV5 and CSP4.

# 11. Conclusion

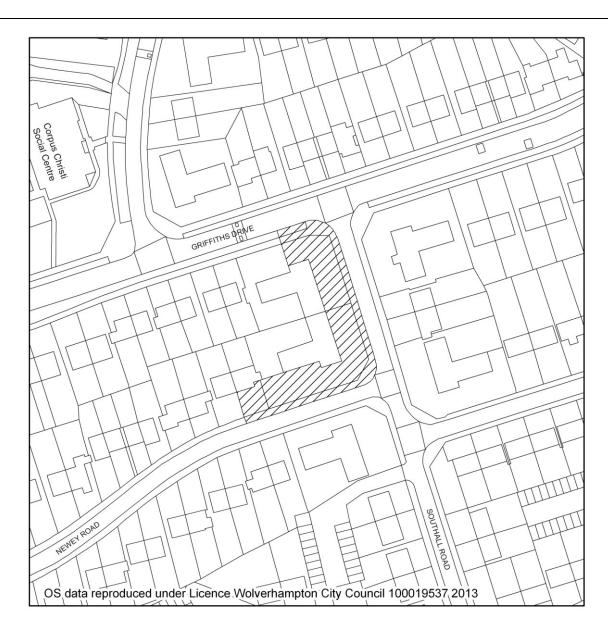
11.1 The proposal is acceptable and in accordance with the development plan.

# 12. Recommendation

- 12.1 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



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Planning Application No. 13/00573/FUL

Flaming Application No. 13/003/3/FOL			
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	21.08.2013	Application Site Area	1116m²