



# Planning Committee

1 October 2013

**Time** 2.00pm                      **Public meeting?** YES                      **Type of meeting** Regulatory

**Venue** Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

**Room** 3 (3<sup>rd</sup> floor)

## Membership

**Chair** Cllr Linda Leach (Labour)  
**Vice-chair** Cllr Harman Banger (Labour)

**Labour**  
Cllr Claire Darke  
Cllr Michael Hardacre  
Cllr Julie Hodgkiss  
Cllr Keith Inston  
Cllr John Rowley  
Cllr Bert Turner

**Conservative**  
Cllr Matthew Holdcroft  
Cllr Mrs Wendy Thompson  
Cllr Jonathan Yardley

**Liberal Democrat**  
Cllr Malcolm Gwinnett

## Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

**Contact** John Wright  
**Tel** 01902 555048  
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Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.cmis.uk.com/decisionmaking>  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*    *Title*

### MEETING BUSINESS ITEMS

1.            **Apologies for absence**
2.            **Declarations of interest**
3.            **Minutes of the previous meeting (3 September 2013)**  
[For approval.]
4.            **Matters arising**  
[To consider any matters arising from the minutes]

### DECISION ITEMS

5.            **Planning Application 13/00624/FUL Wightwick House, Wightwick Bank  
Wolverhampton**  
[Outline recommendation : Refuse]
6.            **Planning Application 13/00586/FUL 53 Richmond Road Wolverhampton**  
[Outline recommendation : Refuse]
7.            **Planning Application 13/00506/FUL East Park Primary School,  
Hollington Road Wolverhampton**  
[Outline recommendation : Grant subject to conditions]
8.            **Planning Application 13/00616/FUL “Coton Grange” Residential Home  
Stockwell End Wolverhampton**  
[Outline recommendation : Grant subject to conditions]
9.            **Planning Application 13/00757/FUL Impacta Ltd Oxford Street Bilston**  
[Outline recommendation : Grant subject to conditions]
10.           **Planning Application 13/00843/FUL 4 Richmond Drive  
Wolverhampton**  
[Outline recommendation : Grant subject to conditions]
11.           **Planning Application 13/00575/FUL 9 High Street Tettenhall**  
[Outline recommendation : Grant subject to conditions]

12. **Planning Application 13/00751/FUL Compton Park**  
[Outline recommendation : Grant subject to conditions]
13. **Planning Application 13/00814/FUL Bentley Bridge Retail Park  
Wolverhampton**  
[Outline recommendation : Grant subject to conditions]
14. **Authorisation to serve a Section 215 Notice 24-27 Victoria Street  
Wolverhampton**  
[To seek authorisation to serve notice under Section 215 of the Town and  
Country Planning Act]



# Planning Committee

Minutes – 3 September 2013

## Attendance

### Members of the Committee

Cllr Leach (Chair)

Cllr Banger (Vice Chair)

Cllr Darke

Cllr Gwinnett

Cllr Hardacre

Cllr Hodgkiss

Cllr Inston

Cllr John Rowley

Cllr Turner

Cllr Mrs Thompson

Cllr Yardley

### Staff

S Alexander

L Delrio

M Elliott

T Homfray

A Johnson

M Page

P Walker

J Wright

Head of Planning

Senior Solicitor

Planning Officer

Planning Officer

Planning Officer

Section Leader – Transportation

Planning Officer

Democratic Support Officer

## Apologies

Apologies for absence were received from Cllr Holdcroft

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## Part 1 – items open to the press and public

*Item No.*     *Title*

### MEETING BUSINESS ITEMS

1.            **Declarations of interest**  
Councillor

2.            **Minutes of the previous meeting**

Resolved:-

That the minutes of the meeting held on 30 July 2013 be approved as a correct record and signed by the Chair.

3. **Matters arising**  
There were no matters arising.

## DECISION ITEMS

### Applications for Determination

4. **Planning Application 13/00506/FUL East Park Primary School  
Hollington Road Wolverhampton**

Resolved:-

That planning application 13/00506/FUL be granted subject to any appropriate conditions including:

- Materials - RAL 6005 Dark Green.

5. **Planning Application 13/00508/FUL 173 Wellington Road  
Wolverhampton**

Some Councillors expressed strong concerns about the impact of the development on traffic movements and on parking

Resolved:-

That planning application 13/00508/FUL be refused for the following reasons;

- Effect on highway safety and movement
- Detrimental effect on movement of vehicles and pedestrians

6. **Planning Application 13/00564/FUL 3 Mount Pleasant Penwood Lane  
Wolverhampton**

Miss Price spoke in opposition to the application

Resolved:-

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

7. **Planning Application 13/00575/FUL 9 High Street Tettenhall  
Wolverhampton**

Mr Robinson spoke in opposition to the application

Mr Ellson spoke in support of the application

Some Councillors expressed concern about the impact of the development on the area and the number of food retailers, including hot food takeaway's in the area.

Resolved:-

- i) That planning application 13/00575/FUL be deferred pending a site visit prior to the next meeting of the Committee

- ii) That officers clarify in the report to the next meeting the proposed opening hours of the premises

8. **Planning Application 13/00616/FUL Coton Grange Residential Home Stockwell End Wolverhampton**

Mr Biggs spoke in support of the application

Some Councillors expressed concern that the full planning history of the site was not detailed in the report

Resolved:-

- i) That planning application 13/00616/FUL be deferred pending a site visit prior to the next meeting of the Committee
- ii) That officers include the full planning history of the site in the report to the next meeting

9. **Planning Application 13/00621/FUL Land Adjacent To And Behind Wickes West Street Wolverhampton**

The Head of Planning informed the Committee of the details of the numbers of letters and petitions of support and in objection which had been received.

Mr Taylor spoke in support of the application

Resolved:-

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

10. **Planning Application 13/00666/FUL 21 Castlecroft Lane Wolverhampton**

Mrs Beech spoke in opposition to the application

Some Councillors expressed concern that the proposal would be intrusive and have a detrimental effect on the neighbouring property

Resolved:-

That planning application 13/00666/FUL be refused for the following reasons

- Detrimental effect on the neighbours amenity

11. **Planning Application 13/00767/FUL Open Space Behind 54 To 128 Thompson Avenue Wolverhampton**

The Planning Officer informed the Committee that the neighbour consultation period expired on 9<sup>th</sup> September. Three letters of objection and one letter of support had been received.

The Ecologist, Coal Authority and the Environment Agency had all indicated that they had no objection subject to conditions. There were no objections to the loss of the trees and the minor Highway adoption matter had now been resolved.

Resolved:-

That the Strategic Director for Education and Enterprise be given delegated authority to grant planning application 13/00767/FUL subject to:

- (i) No overriding objections from Neighbours
- (ii) 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
- (iii) 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
  - Treatment of mine shafts
  - Ecological protection measures for bats and birds
  - Development in accordance with the Flood Risk Assessment.
  - Construction management plan

12. **Planning Application 13/00654/FUL The Warstones Inn Warstones Road Wolverhampton**

Resolved:-

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
- (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

13. **Planning Application 13/00497/FUL Playing Fields Adjacent To And Behind Hilton Hall Community Centre Hilton Road Wolverhampton**

The Planning Officer informed the Committee of the details of the numbers of letters and petitions of support and in objection which had been received

Mr Stokes spoke in support of the application

Some Councillors expressed support for the application which they felt would be very beneficial for the area.

Resolved:

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

- Sustainable drainage
- External materials
- No external lighting
- Erection of a ball catch fence between the football pitch and the boundaries with rear gardens of 123 to 149 Hilton Road

14. **Planning Application 13/00590/FUL Land Adjacent 82 White Oak Drive Wolverhampton**

The Planning Officer informed the Committee of the relevant of the relevant policies in the UDP and the status of the Local Neighbourhood Plan and the varying weight which could be given to these plans and policies and the need to make a decision on this this basis.

Ms Coleman spoke in opposition of the application

Mr Baylis spoke in support of the application

Some Councillors expressed their concern at the potential loss of open space in the area, the importance of the views of residents, the effects on wildlife and of the Local Neighbourhood Plan.

Resolved:-

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.



15. **Planning Application 13/00573/FUL Grassed Area Fronting Flats At 53 - 63 Newey Road And 499 - 509 Griffiths Drive Wolverhampton**

Resolved:-

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

- Sustainable drainage/materials

**INFORMATION ITEMS**

16. **Planning Applications Determined Under Officer Delegation, Withdrawn etc**

Resolved:-

That the report be received

17. **Planning Appeals**

Resolved:-

That the report be received



# Planning Committee

1 October 2013

<b>Planning Application No</b>	13/00624/FUL	
<b>Site</b>	Wightwick House, Wightwick Bank, Wolverhampton	
<b>Proposal</b>	Erection of new 4 bedroom house within the garden of Wightwick House and the demolition of an external swimming pool within the grounds of a Listed Building.	
<b>Ward</b>	Tettenhall Wightwick	
<b>Applicant</b>	Mr Royston Blyth	
<b>Agent</b>	Mr Trevor Williams	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Planning Officer</b>	Nussarat Malik Tel Email	Planner 01902 550141 Nussarat.Malik@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Refuse

## 2. Application site

2.1 The site is within the grounds of Wightwick House, which is a grade II listed property within the Wightwick Bank Conservation Area.

2.2 Wightwick House is located in Wightwick Bank within the western suburbs of Wolverhampton. It is adjacent to Wightwick Manor, a grade I listed building, stable buildings within its grounds are grade II listed and its grounds are a grade II listed registered garden.

- 2.3 Wightwick House is a large 19<sup>th</sup> century property set within a large walled garden. The principal ground floor rooms of Wightwick House are orientated to take advantage of the south facing aspect towards the application site. The large well treed walled garden that surrounds the house is important to the character and setting of the listed house and this of this part of the conservation area.
- 2.4 The proposed development is to be located alongside the southern boundary of Wightwick House. The application site is currently a disused open-air swimming pool, which occupies an elevated position within the garden. The application site is immediately adjacent to the stable buildings of Wightwick Manor, which are grade II listed.
- 2.5 The boundary to the application site consists of trees, shrubs and high walls. The immediate area is predominately residential in character, consisting of mostly large detached properties with spacious gardens.

### **3. Application Details**

- 3.1 The proposal is for the demolition of an open-air swimming pool and erection of a four bedroom detached house within the garden of Wightwick House.
- 3.2 The proposed development would replace the derelict open-air swimming pool in the south western part of the garden. The location of the proposed development, on rising ground to the north of Wightwick Manor, is very likely to be visible from several vantage points from within the registered garden, including the main pedestrian route for visitors on the approach to the Manor, particularly as the scheme includes the loss of several of the trees and shrubs presently on the boundary of the site facing Wightwick Manor and its Gardens..
- 3.3 The proposed development would be accessed via a separate pedestrian entrance and a new drive, which is currently a pathway leading to the swimming pool, which is to be widened to create an access for vehicles. This will share the present entrance to Wightwick House onto Wightwick Bank. A boundary wall would be constructed that would effectively separate the plot from Wightwick House. Several trees and shrubs would be removed. The footprint of the proposed house would be limited to the area of the existing swimming pool.
- 3.4 The house would be positioned adjacent to the lane that separates Wightwick Manor and the application site. The proposal is designed in the Arts and Crafts style and comprises a steep pitched sloping roof with dormer style windows with a large chimney stack.

### **4. Planning History**

- 4.1 Nothing Relevant

## **5. Constraints**

- 5.1 Tettenhall Ridge Ancient Woodland
- 5.2 Grade 11 Historic Garden
- 5.3 Listed Building Curtilage/Adjacent Grade
- 5.4 Wightwick Bank Conservation Area
- 5.5 Adjacent Green Belt
- 5.6 Source Protection Zones 1 & 6

## **6. Relevant Policy Documents**

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 6.3 Other relevant policy documents:  
SPG No. 3 'Residential Development'  
Draft Tettenhall neighbourhood Plan (This is presently not at a stage where its draft policies could be given any significant weight)

## **7. Environmental Impact Assessment Regulations**

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

## **8. Publicity**

- 8.1 Twenty eight representations received with one in support of the proposal, the following observations made were:
  - Detrimental effect on Conservation Area
  - Detrimental effect on Listed Building
  - Inappropriate site for proposed development
  - Inappropriate style of housing
  - Loss of trees
  - Loss of view
  - Out of character
  - Unacceptable visual impact
  - Loss of privacy for visitors to the Gardens of the Manor
  - Increase in traffic

- Undesirable precedent
- Issues raised are not relevant

## **9. Internal Consultees**

9.1 Environmental Health – No adverse comments.

9.2 Transportation Development- No Objections

## **10. External Consultees**

10.1 West Midlands Fire Service – Unsatisfactory for fire service vehicle access.

10.2 English Heritage – The application should be determined in accordance with national local policy guidance, and on the basis of your specialist conservation advice.

10.3 National Trust – The application be refused because of the substantial harm the removal of trees and introduction of the proposed building would cause to the setting of the nationally important heritage assets at Wightwick, contrary to national and local planning policies.

10.4 The Victorian Society – The proposal will have a negative impact on the setting of these important listed buildings and on the character and appearance of this part of the conservation area.

## **11. Legal Implications**

### **11.1 Listed Buildings**

Having regard to Section 12, paragraphs 129 to 131 (conserving and enhancing the historic environment) of the National Planning Policy Framework (NPP) Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by development affecting the setting of a heritage asset taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal (para 129).

11.2 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (para 132).

11.3 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the

substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 133)

- 11.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.
- 11.5 Conservation Area  
Having regard to Section 12, paragraph 137 of the National Planning NPPF Local planning authorities should look for opportunities for new Development within Conservation Areas to enhance or better reveal their significance.
- 11.6 When an application is situated in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act.
- 11.7 Protected Species  
The Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 ( "the Habitat Regulations") and the Planning Authority is under a duty to have regard to the Habitats Directive ( Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981
- 11.8 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision . The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances. (KR/20092013/D)

## 12. Appraisal

12.1 The key issues are: -

- Principle of Development
- Design and layout
- Impact on the setting of listed buildings; the Registered Garden and the Conservation Area
- Impact on Ecology and Ancient Woodland
- Impact on the Green Belt

12.2 Principle of Development

The proposed development is within the curtilage of Wightwick House, which is a large grade II listed house with a substantial garden. The boundary consists of high brick walls with trees, hedges and shrubs.

12.3 The proposal would be within the footprint of the existing open-air swimming pool and associated hard surfaces at the southern part of the garden with a separate vehicular entrance.

12.4 The possible impact that the proposal would have on the listed buildings; the conservation area and the registered garden requires the application to be considered in respect of its impact on these heritage assets.

12.5 Design and layout

The proposal has been designed to be in the later Arts and Crafts style with asymmetric windows, doors and external features. There is a large chimney stack at the front of the property with a steep pitched roof.

12.6 The overall design of the house is not in keeping with the surrounding area. The large chimney stack and the scale of the proposed roof are prominent features and are considered to be out of character and incongruous elements in this setting that would disrupt the existing harmony of the area.

12.7 The house is effectively two storeys in height and has windows within the roof space to first floor. There will be some remaining screening of the house with trees walls and shrubs, however with the proposed loss of trees and shrubs, and the height and bulk of the proposed house will be very likely to result in views of the property over the lane and across to the stable buildings and Wightwick Manor Rose Gardens, will alter the current views and sense of openness that exists at these points.

12.8 The proposal is set within a narrow strip of land to the southern boundary of the garden. In comparison with other similar sized properties within the immediate surrounding area, the plot is considerably less spacious. Partly as a result of this, the house is to be positioned hard up against the boundary with the remaining garden of Wightwick House, which will result in an overbearing visual impact on the remaining garden of the house.

12.9 Impact on the setting of listed buildings; the Registered Garden and the Conservation Area

The proposal is located within the curtilage of the grade II listed Wightwick House and is also within the Wightwick Bank Conservation Area and adjacent to the Grade I Wightwick Manor and its grade II stable buildings and registered gardens and Grade II Barns

12.10 It is therefore important to note that the proposal will have a direct impact on these important heritage assets. The proposed house is separated only by a lane which has mature trees, shrubs and walls along the boundary. The roof and chimney of the proposed dwelling are very likely to be visible from the gardens of the Manor, reducing the openness of the immediate surrounding area which currently exists.

12.11 The proposal will occupy a prominent position within the site and whilst it will be set away from the immediate house, there will be an adverse impact on the setting of Wightwick House due to the loss of garden, loss of outlook and the visual impact of the house on the remaining garden due to its closeness to the boundary.

12.12 The application would create a new access road to the site where the current path exists. This would run beneath the canopy of a large beech tree, which is in an elevated position adjacent to the access to Wightwick Manor. The proposed access road would have a potentially detrimental effect on the future well-being and amenity value of this tree and so also on this aspect of the character of the conservation area. The trees on the site are part of the much larger area designated in the UDP as Ancient Woodland. The UDP policy relating to Ancient Woodland seeks to ensure that any trees within the designated area are protected and managed appropriately.

12.13 The proposal should be assessed against the NPPF as referred to above, and this document states that one of the core planning principles is to conserve heritage assets in a manner appropriate to their significance. And this is further supported in the relevant BCCS and UDP policies. The more important the asset, the greater the weight should be. It recommends that local planning authorities should refuse consent unless it can be demonstrated that any substantial harm is necessary to achieve public benefits that outweigh that harm. Therefore assessing the application against the above, the proposal would not have substantial public benefits and would be therefore be contrary to the NPPF.

12.14 Ecology

The wooded nature of the location and of the site (designated as ancient woodland) is such as to suggest that it may contain valuable habitat or habitat suited to protected animal species (particularly bats). The application has not been supported by any ecological survey or study and although this has been requested, it is unlikely to be available by the time



of committee. In these circumstances the proposal cannot be properly assessed as to the likely impact on any protected species and habitats.

12.15 Green Belt

The boundary of the designated green belt is that of the grounds of Wightwick Manor, from which the site is separated by a narrow lane off Wightwick Bank. The site is therefore adjacent to the green belt. On such sites it is the policy of the council, (UDP policy G3 ) to ensure that any proposed schemes which are conspicuous from the green belt do not have any adverse effect on the openness and other visual characteristics of the green belt.

- 12.16 Given the very close proximity of this site to the green belt boundary and the height and bulk of the proposed dwelling, it will be visible from the green belt within the grounds of Wightwick Manor, although to what full extent it is not possible to exactly determine from submitted details given the tree cover presently in place on the boundary of the site facing Wightwick Manor. There will however clearly be some loss of openness with a building of the proposed bulk and height and loss of trees and shrubs, but this is likely to be minimal in its impact on the wider Green Belt and its objectives and so would not form a sufficient reason for refusal.

**13. Conclusion**

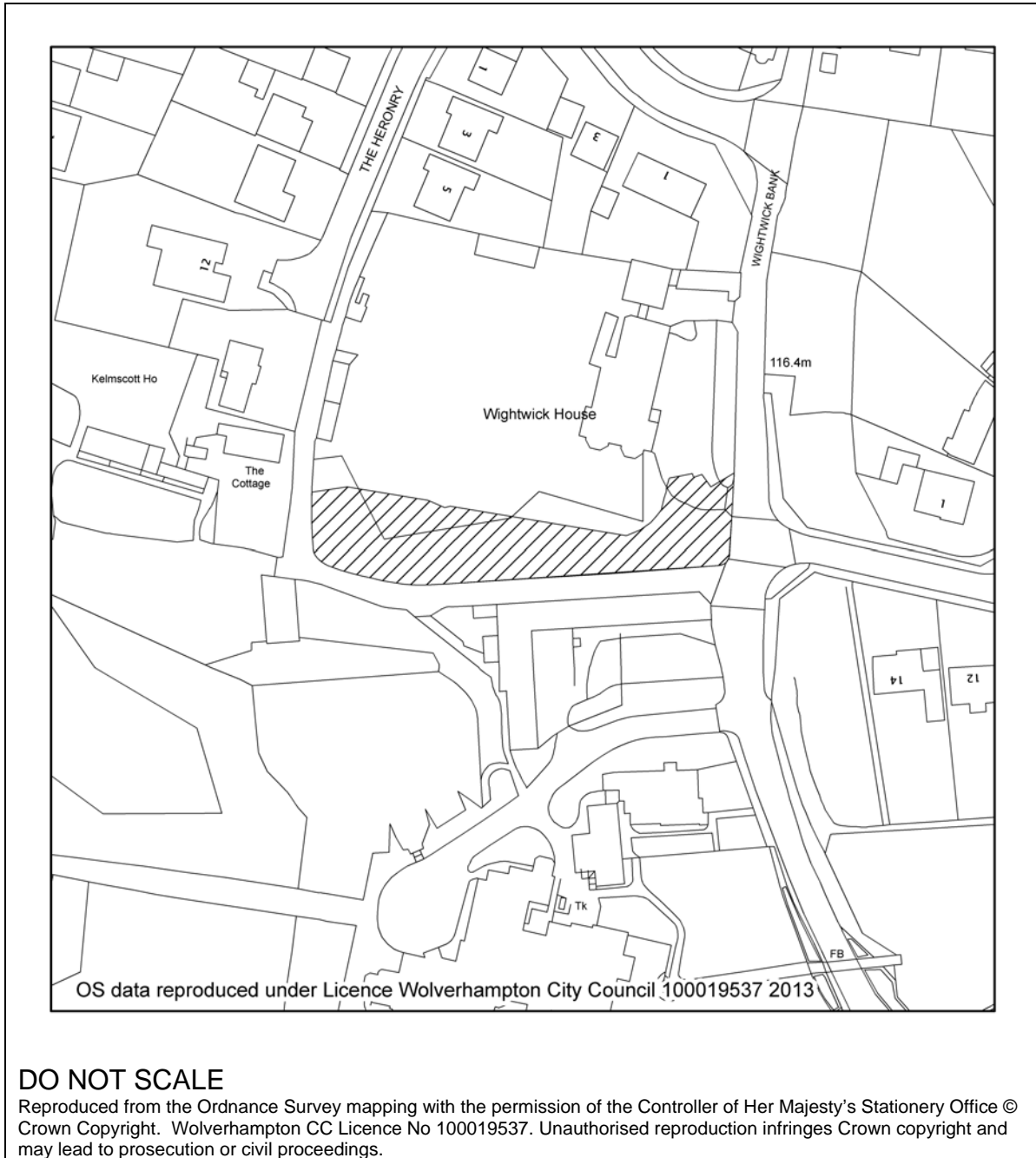
- 13.1 The proposed development would have an adverse impact on the settings of the adjacent Wightwick Manor Grade I listed buildings and the grade II stable buildings and registered garden and on the character of the conservation area by reason of proximity, visual intrusion, plot dimensions, design of building and its height and bulk, loss of trees and loss of spaciousness and on the outlook and enjoyment of the remainder of the garden to Wightwick House, by reason of the proximity of the proposed house to the boundary of what will remain of the garden and on the health and safety and amenity value of an important tree and the loss of other trees and shrubs. The site is immediately adjacent the Green Belt and given the bulk and height of the proposed dwelling there is likely to be a very limited loss of feeling of openness as a result. In the absence of an ecological survey and report, the possible impact of the proposal on any protected species or habitats cannot be assessed. The development is therefore contrary to the National Planning Policy Framework; policies ENV1 'Nature Conservation', ENV2 'Historic Character and Local Distinctiveness', ENV3 'Design Quality', CSP4 'Place Making of the Black Country Core Strategy; policies N1 'Promotion of Nature Conservation, D6 'Townscape and Landscape'D7 'Height', D9 ' Appearance', D12 ' Nature Conservation', HE3 'Preservation and Enhancement of Conservation Areas', HE4 'Proposals Affecting a Conservation Area', HE5 ' Control of Development in a Conservation Area' HE8 'Encouragement of Appropriate Development in a Conservation Area', HE12 ' development Affecting a Listed Building', HE17,. 'Development Affecting the setting of a Listed Building', HE21 Historic Parks and Gardens;.N8 ' Tettenhall Ridge Ancient Woodland'

**14 Detailed Recommendation**

14.1 That planning application 12/00624/FUL be refused for the following reasons:

Adverse impact on;

- setting of the listed buildings; Wightwick House and Wightwick Manor and barns.
- the character of the conservation area.
- the setting of the grade II registered garden.
- the enjoyment of the garden to Wightwick House.
- Loss of trees in an area of Ancient Woodland.
- Application not supported by an appropriate ecological survey and report.
- Contrary to local planning policies and NPPF and all the policies of the BCCS and the UDP set out at section 13 above.





# Planning Committee

Date 1 October 2013

<b>Planning Application No</b>	13/00596/OUT	
<b>Site</b>	53 Richmond Road, Wolverhampton	
<b>Proposal</b>	Outline planning permission for one dwelling	
<b>Ward</b>	Park	
<b>Applicant</b>	Mr & Mrs Brown	
<b>Agent</b>	Mrs Sheila Porter	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Planning Officer</b>	Name	Dharam Vir
	Tel	01902 555643
	Email	Dharam.Vir@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Refuse

## 2. Application site

2.1 The application property is located in a predominately residential area.

2.2 The properties in the area are a mixture of individually designed detached and semi-detached properties which are located on generously sized plots with extensive rear landscaped gardens. The application site contains a number of what appear to be small fruit and ornamental trees.

### **3. Application Details**

- 3.1 The outline application is for one detached dwelling with related parking by way of the subdivision, of the existing rear garden of 53 Richmond Road.
- 3.2 The layout, scale and landscaping of the proposal would be subject to a Reserved Matters application.

### **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 SPG No. 3 Residential Development

### **5. Environmental Impact Assessment Regulations**

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

### **6. Publicity**

- 6.1 Three representations have been received objecting to the proposal. The objections can be summarised as follows;
  - Effect on the amenity of 2 York Avenue in terms of daylight/sunlight and outlook
  - Reduction in the amenity space for 53 Richmond Road
  - Over development of the site
  - Lack of parking space

### **7. Internal Consultees**

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

### **8. Legal Implications**

- 8.1 There are no specific legal implications resulting from this report. KR/13072013/D

## 9. Appraisal

9.1 The key issues are: -

- Design;
- Amenity; and
- Streetscene

9.2 This application is for outline planning permission and therefore the layout, scale and landscaping would be subject to a Reserved Matters application.

9.3 Policy D4: Urban Grain of the UDP states that proposals should respond positively to the established pattern of streets and buildings, including plot sizes, spatial character and building lines of which they form a part. It is considered that the proposal would not respect the established character, form and pattern of development of which it would form a part. The proposed infill development is considered to be incompatible with the established form, pattern and spatial character of the vicinity. The proposal is contrary to UDP policy D4.

9.4 Policy D6; Townscape and Landscape of the UDP states that proposals should create or reinforce local distinctiveness and should preserve or enhance qualities of townscape and landscape character that are of value. The proposed dwelling by virtue of its location at the rear of 53 Richmond Road is unlikely to retain the merits of local distinctiveness and character of the vicinity. Further, the proposal would produce a dwelling space which would appear cramped in its relationship to the surrounding properties and would not sufficiently complement or integrate well into the wider streetscene. The proposed dwelling would therefore create an unacceptable contrast in the streetscene and would detract from the local distinctiveness of the vicinity. The proposal is contrary to UDP policy D6.

9.5 Policy CSP4: Place – Making states that all development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. The subdivision of the rear garden of 53 Richmond Road would create a cramped development that does not respond to the historic character and local distinctiveness of the area which consists of large plots of a generous size. The proposal due its close proximity to 2 York Avenue is also likely to affect the amenity of 2 York Avenue in terms of daylight and sunlight. The proposal is contrary BCCS policies ENV3 and CSP4.

9.6 The proposal to erect a dwelling at the rear of 53 Richmond Road is also considered to be over development of the site likely to result in the unsatisfactory amenity provision for the occupiers of 53 Richmond Road and for the occupiers of the proposed dwelling. No 2 York Avenue adjoins the site to the east and has several windows in the elevation facing on the site which are likely to be affected in terms of outlook and sunlight if a

house is erected in the proposed position. The proposal is contrary to UDP policy D4 and the guidance in SPG3.

- 9.7 SPG3: Residential Development states that on sites within established built – up areas, small infill or backland development needs to be compatible with the established form, pattern and character of the vicinity. The vicinity is characterised by generous plots with landscaped large rear gardens. The layout of the existing properties has created a distinct degree of spaciousness to the area. The proposed dwelling which would be on a much smaller plot size detracts from the character and distinctiveness of this established form in the vicinity. The proposal is contrary to SPG3.

## **10. Conclusion**

- 10.1 The proposal is considered to be out of character with the established historic character, form and pattern of the vicinity. The proposal would produce a dwelling space which would appear cramped in its relationship to the surrounding properties and would not sufficiently complement or integrate well into the wider streetscene. The proposal is likely to result in the unsatisfactory amenity provision for the occupiers of 53 Richmond Road and for the occupiers of the proposed dwelling and adversely affect the amenities of the occupants of No. 2 York Avenue.

## **11. Detailed Recommendation**

- 11.1 That planning application 13/00596/OUT be refused for the following reasons
- The proposed dwelling would result in a development which would detract from the established spatial character, form and pattern of development of which it would form a part. The proposal would produce a dwelling space which would appear cramped in its relationship to the surrounding properties. This would result in material harm to the existing locally distinctive spatial pattern, character and appearance of the area.
  - The proposal would have an adverse effect on the outlook and sunlight of windows at No. 2 York Avenue.
  - The proposal is therefore contrary to BCCS policies CSP4 & ENV3 and UDP policies D4 & D6, and the advice set out in SPG3.



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# Planning Committee

1<sup>st</sup> October 2013

<b>Planning Application No</b>	13/00506/FUL
<b>Site</b>	East Park Primary School, Hollington Road, Wolverhampton, West Midlands
<b>Proposal</b>	Erection of Ball Stop perimeter fencing.
<b>Ward</b>	East Park
<b>Applicant</b>	Mr N Sullivan East Park Primary School, Hollington Road Wolverhampton WV1 2DS
<b>Agent</b>	Mr David Purdie Wolverhampton City Council Landscape & Ecology Practice Culwell Street Depot Culwell Street Wolverhampton WV10 0JN
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Planning Officer</b>	Name Tracey Homfray Tel 01902 555641 Email Tracey.homfray@wolverhampton.gov.uk

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## 1. Summary Recommendation

- 1.1 That planning application 13/00506/FUL be granted planning permission.

## **2. Application site**

- 2.1 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.

## **3. Application Details**

- 3.1 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.
- 3.2 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.
- 3.2 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 30.8 metres of 2.86 metres high Dulock Rebound fencing within which is a 1.23m high rebound panel to base.
- 3.3 The colour of the proposed fencing is Dark Green.

## **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 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 There are no specific legal implications resulting from this report (KR/23092013)

## **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.

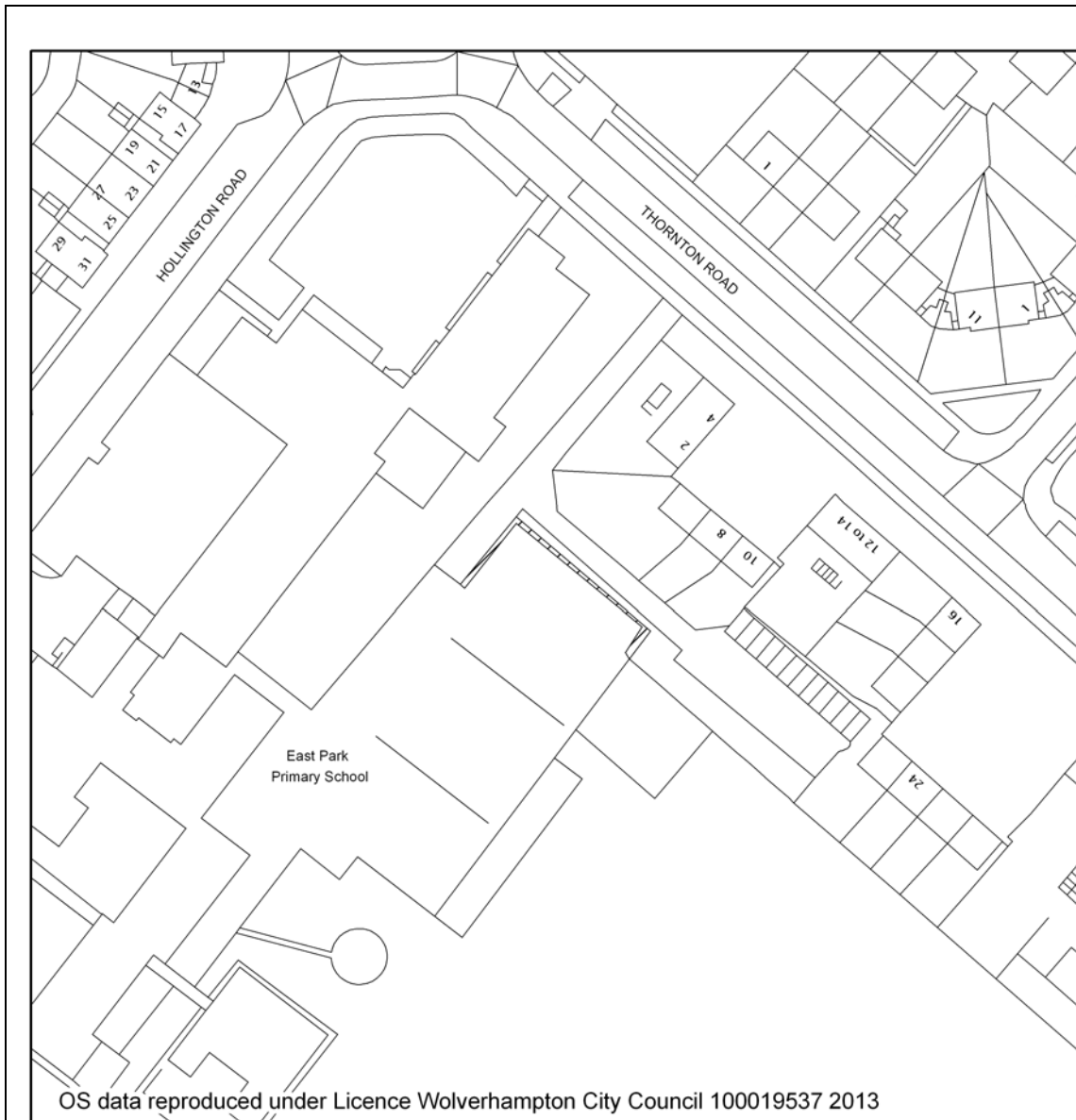
- 95 Therefore, the proposed fencing is considered to be consistent with Policy.

**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. Detailed Recommendation**

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



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# Planning Committee

Date 1<sup>st</sup> October 2013

<b>Planning Application No</b>	13/00616/FUL	
<b>Site</b>	Coton Grange Residential Home, Stockwell End, Wolverhampton.	
<b>Proposal</b>	Single storey side and rear extensions	
<b>Ward</b>	Tettenhall Regis	
<b>Applicant</b>	Mr Bal Kular	
<b>Agent</b>	Mr Colin Biggs	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Planning Officer</b>	Name	Laleeta Butoy
	Tel	01902 555605
	Email	laleeta.butoy@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Grant subject to conditions

## 2. Application site

2.1 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.

## 3. Application Details

3.1 This planning application was deferred at the last meeting of the Planning Committee for a site visit and for details of full planning history.

- 3.2 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.
- 3.3 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.

#### **4. Planning History**

- 4.1 A/C/2281/80 for Change of use from dwelling house to Old People's Rest Home.  
Granted,dated 14.11.1980
- 4.2 A/C/0857/86 for New fire escape staircase. New internal lift. Conversion of bedroom, living room and kitchen to 2 no bedrooms and laundry and staff toilets. Change of condition of existing permission to increase to 13 and removal of condition 5 of existing permission.ca,  
Granted,dated 25.06.1986
- 4.3 C/1514/89 for Extension to existing rest home and alterations to 1 No. existing bedroom.  
Refused,dated 24.07.1989
- 4.4 C/3500/89 for Two storey extension to provide wardens flat and residents accommodation, (home to accommodate a total of 16 residents) alterations to access and creation of parking areas.  
Granted,dated 09.05.1990
- 4.5 97/0767/FP for Use of existing first floor accommodation for 4 No. additional residents, link block and ground floor extension to provide bedroom/en-suite in lieu of existing bathroom, and construction of side extension to house lift shaft.  
Granted,dated 07.01.1997
- 4.6 98/0095/FP for Single storey machine room to contain hydraulic gear.  
Granted,dated 26.03.1998.
- 4.7 98/0980/FP for New first floor link, conversion of bedroom into bathroom, new window and lower existing roof.  
Granted,dated 02.12.1998
- 4.8 01/1468/FP for Two storey side extension,  
Granted,dated 14.01.2002
- 4.9 07/01769/FUL for Single and two storey extensions together with internal alterations.

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Refused,dated 05.03.2008 on the grounds of overdevelopment, poor design and poor access.

- 4.10 08/00621/FUL for Single and two storey side extension, single storey side extension, single storey front and rear extensions.  
Refused,dated 05.09.2008 (This application attempted to address the reasons why the above application was refused. It was refused on the grounds of overdevelopment and poor road access).  
Dismissed on Appeal 03.06.2009. The appeal was dismissed on the grounds only of the width and flat roofed design of the single storey side extension in the conservation area. The inspector did not support the council's reasons for refusal relating to overdevelopment and poor access.
- 4.11 TREE/0005/09/TN for 1No. Sycamore situated to frontage: fell.  
Granted,dated 22.01.2009

### **5. Constraints**

- 5.1 Conservation Area - Tettenhall Greens Conservation Area

### **6. Relevant Policy Documents**

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)  
SPG No. 3 'Residential Development'  
The 'Draft' Tettenhall Neighbourhood Plan

### **7. Environmental Impact Assessment Regulations**

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

### **8. Publicity**

- 8.1 13 representations received.
- 11 objections
  - 2 in support
- 8.2 Objections relate to the following matters:
- Adverse impact on highway safety due to narrow lane



## NOT PROTECTIVELY MARKED

- 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
- Drainage problems

### **9. Internal Consultees**

9.1 Transportation Development – No objections.

9.2 Adults - Older People – No objections.

9.3 Environmental Health – No objections.

### **10. External Consultees**

10.1 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.

10.2 Severn Trent – No comments received.

### **11. Legal Implications**

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

11.2 When an application is situate in or affects the setting of a Conservation Area by virtue of S72 and S73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under S73 of the Act. (KR/13092013/Y.)

### **12. Appraisal**

12.1 The key issues are:-

- Impact on highway

- Scale/Layout
- Neighbouring Amenities
- Impact on the Conservation Area
- Drainage Problems

12.2 Impact on highway

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 using the access road when visiting the premises. This view was upheld when the planning inspector considered the appeal in 2009.

Scale/Layout

12.3 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. A similar scheme for the bedroom extension was refused in 2009 and went to appeal included a side extension of the same width as now proposed. The Planning Inspector who dealt with the subsequent appeal felt that this side extension was visually unacceptable due to its width and its then flat roofed design. The extension as now proposed remains the same width but is much more appropriately designed with a pitch roof, making it far more visually acceptable.

12.4 Policy TNP12 Part A of the Draft Tettenhall Neighbourhood Plan – “New Development to Enhance and Respect Existing Local Character” refers to new development including alterations and extensions. This policy states that new development (including alterations, change of use and extensions) must enhance, respect and reinforce the established character as detailed in the Character Study. Whilst due to the early stage at which this plan is, little weight can be given to it, the scheme is considered to comply with the intent of this policy.

12.5 Neighbouring Amenities

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.

12.6 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.

**12.7 Impact on the Tettenhall Greens Conservation Area**

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

**12.8 Drainage Problems**

Neighbouring residents have raised concerns that due to problems with blockages of drainage and the exposure of raw sewage from the site, the expansion of the residential home would result in exacerbating this problem. However, the applicant has carried out a full drainage survey which revealed a collapsed manhole cover. This has been rectified and the drains are now in good working order and regarded as adequate and fit for the purpose. Coton Grange has robust measures in place to deal with effective disposal of all sanitary items that cannot be discharged into the drainage system.

**13. Conclusion**

13.1 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 addition of two bedrooms will not give rise to levels of additional traffic on the access roadway such as would justify refusing planning permission. 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.

**14. Detailed Recommendation**

14.1 That planning application 13/00616/FUL be granted, subject to any appropriate conditions including:

- Matching materials
- Cycle parking provision for staff



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# Planning Committee

Date 1 October 2013

**Planning Application No**

DC/13/00757/FUL

**Site**

Impacta Ltd, Oxford Street, Wolverhampton

**Proposal**

Erection of external storage facility

**Ward**

Bilston East

**Applicant**

Mr Warren Morgan

**Cabinet Member  
with Lead Responsibility  
Accountable Strategic Director**

Councillor Peter Bilson  
Economic Regeneration and Prosperity  
Tim Johnson, Education and Enterprise

**Planning Officer**

Name Colin Noakes  
Tel 01902 551124  
Email Colin.noakes@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Grant subject to conditions

## 2. Application site

2.1 The site is located close to the junction of the A41 and A4098 and is occupied by an established manufacturing business employing approximately twenty members of staff. The company specialises in the construction of storage and shelving used primarily in the automotive and aerospace industry.

2.2 The site is predominantly surrounded by commercial and industrial premises however, there are residential properties adjoining the southern boundary and further along High Street.

## 3. Application Details

3.1 The application seeks permission for the retention of a storage facility that has already been erected adjacent to the site's northern boundary

with the A41 - The structure consists of a steel frame covered with a white fabric outer layer.

#### **4. Planning History**

- 4.1 Erection of new building and associated modification to the existing, granted, 18.01.1978.
- 4.2 Erection of an industrial building for the repair, rebuilding and storage of machinery, refused 22.07.1980.
- 4.3 Extensions to existing works, granted 19.11.1981.
- 4.4 Additional garage/workshop in connection with existing road haulage business granted 19.02.1988.

#### **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 A petition containing eleven signatures has been received from local residents. Their objections can be summarised as follows:
  - Noise pollution
  - Appearance
  - Potential risk to public health

#### **8. Legal Implications**

- 8.1 There are no specific legal implications resulting from this report (KR/19092013/H)

#### **9. Appraisal**

- 9.1 The key issues to consider are the following;
  - Design and appearance
  - Neighbour amenity

9.2 Design and Appearance

Due to the materials used for the building's construction and its design the structure seems similar to a marquee in appearance. The level of the land in which the development sits is lower than the adjacent highway. This in combination with the site landscaping helps to partially conceal the structure from the streetscene. Consequently the building does not adversely affect the character and appearance of the streetscene and conforms with BCCS Policy ENV3 and UDP Policies D7, D8 and D9.

9.3 Neighbour Amenity

Although there are residential properties that abut the site these are on the opposite side of the main factory unit. The nearest houses along High Street are approximately 65m away from the building. Neighbours have raised concerns regarding noise and fumes generated from the use of the structure. However, the proposed use of the building is for storage, and therefore this will not cause any significant increase in noise from that already by the factory. The proposal is therefore in accordance with UDP policy B5

**10. Conclusion**

10.1 The use of the building for storage would not adversely affect neighbour amenity. Neither does it have an unacceptable impact on the street scene. Therefore providing the use of the building is restricted to storage the development is considered acceptable and in accordance with development plan policies.

**11 Detailed Recommendation**

11.1 That planning application 13/00757/FUL be granted, subject to any appropriate conditions including:

- Restrict the use of the building for storage only



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# Planning Committee

1<sup>st</sup> October 2013

<b>Planning Application No</b>	13/00843/FUL	
<b>Site</b>	4 Richmond Drive Wolverhampton West Midlands WV3 9JE	
<b>Proposal</b>	Demolition of existing garage and erection of larger pitched roof garage	
<b>Ward</b>	Park	
<b>Applicant</b>	Mr S Vaidya	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Planning Officer</b>	Name	Marcela Quinones Herrera
	Tel	01902 555607
	Email	Marcela.QuinonesHerrera@wolverhampton.gov.uk

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**1. Summary Recommendation**

1.1 Grant subject to matching materials condition.

**2. Application site**

2.1 No. 4 Richmond Drive is a detached bungalow located within a small cul-de-sac in a residential area. The property has a detached flat roof garage.

- 2.2 The application site has a large garden area that surrounds the existing property at rear.

### **3. Application Details**

- 3.1 This application is for the demolition of existing flat roofed garage and replacement with a larger garage with a hipped roof element to allow storage.
- 3.2 The proposed garage would be approximately 6.2m wide, 9m long and 5.1m tall.

### **4. Relevant Planning History**

- 4.1 09/00814/FUL - for Erection of detached garage. Granted 27.10.2009.

### **5. Relevant Policy Documents**

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 5.3 Other relevant policy documents:  
Supplementary Planning Guidance No.4 – Extension to houses

### **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 Three representations received, one in favour and two against raising the following planning matters:
- Loss of spacing between buildings - Out of character
  - By preserving existing distance in between buildings it would facilitate construction and future maintenance
  - The proposed guttering would partially overhang onto property No. 5 Richmond Drive.

### **8. Legal Implications**

- 8.1 There are no specific legal implications resulting from this report.  
(KR/20092013/H)

## **9. Appraisal**

9.1 The key issues are: -

- Character and Appearance
- Impact on property No. 5 Richmond Drive

9.2 Character and Appearance

An exact same garage design was granted planning permission on the 27 October 2009, however this permission has now expired and the applicant has resubmitted the same scheme for approval.

9.3 The proposed garage would have a hipped design in accordance with the main building at No. 4 Richmond Drive. The gap in between properties would still be retained as the proposed garage is detached and there is a separation distance in between the proposed garage and garage at property No. 5 Richmond Drive.

9.4 The proposed garage would be consistent in terms of scale, height and external appearance with other neighbouring properties. The garage would be set back from the garage of No. 5 Richmond Drive, helping to preserve the existing building line, the spacious character of properties along Richmond Drive and traditional architectural style.

9.5 Impact on property No. 5 Richmond Drive

The proposed garage would run along the boundary wall of property No. 5 Richmond Drive. In accordance with the plans, sections and elevations, the proposed garage would be built on the applicant's own land and this includes its guttering and foundations.

9.6 There would be no overshadowing, overlooking effect or overbearing impact onto the immediate neighbour by virtue of its height, orientation and hipped roof design.

9.7 For the above reasons it is considered that the proposal complies with national and local planning policies.

## **10. Conclusion**

10.1 The proposed garage is in accordance with BCCS, Wolverhampton's UDP policies and guidance.

## **11. Detailed Recommendation**

11.1 Grant subject to standard condition:

- Matching materials



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# Planning Committee

1 October 2013

<b>Planning Application No</b>	13/00575/FUL
<b>Site</b>	9 High Street, Tettenhall
<b>Proposal</b>	Change of use from retail unit (A1) to hot food takeaway (A5)
<b>Ward</b>	Tettenhall Wightwick
<b>Applicant</b>	Mr C Miah
<b>Agent</b>	Steev Ellson
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Planning Officer</b>	Ann Wheeldon 01902 550348 ann.wheeldon@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Grant subject to conditions

## 2. Application site

2.1 This application was deferred by planning committee on September 3 for a site visit.

2.2 The application relates to a vacant retail unit in Tettenhall District Centre, which is located within Tettenhall Greens Conservation Area.

2.3 There are office units at first floor and flats in the immediate vicinity

### **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 an external flue to the rear of the building. The proposed opening hours are 17.30 to 23.00 hours Monday to Sunday inclusive.

### **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 A Neighbourhood Plan for Tettenhall is in the process of being prepared with the draft plan now out for public consultation. 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. But it is considered that the proposal would comply with the draft policy in the draft plan relating to A5 uses within Tettenhall Centre (Policy TNP3 Commercial Centres and the Retail Offer)

### **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 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

## **7. Internal Consultees**

- 7.1 Transportation – No objections.
- 7.2 Environmental Health – No objections subject to a condition requiring the installation and extraction system suitable to control the effects of cooking odours.
- 7.3 Police – concerns about parking and increase in anti-social behaviour (ASB) or perception of ASB

## **8. Legal Implications**

- 8.1 When an application is situated 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. (KR/18092013/Q)

## **9. Appraisal**

- 9.1 The key issues are: -
- Principle of change of use
  - Impact on amenity
  - Parking
  - Impact on the conservation area
- 9.2 Principle of change of use  
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. There are 54 ground floor units in Tettenhall District Centre 16 out of the 54 are non- A1 use which equates to 29.6% non-A1 units. Consequently the proposal complies with the requirements of this policy and is acceptable in principle.
- 9.3 Impact on amenity  
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.

- 9.4 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.
- 9.5 The proposed opening times (17.30 to 23.00 Monday to Sunday) are considered to be acceptable and in line with other late opening businesses in the centre.
- 9.6 **Parking**  
The unit is located within a district centre and there is a car park located to the rear, and on-street parking in front of the unit. Therefore, there is no objection to the parking provision.
- 9.7 **Impact on Conservation Area**  
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.

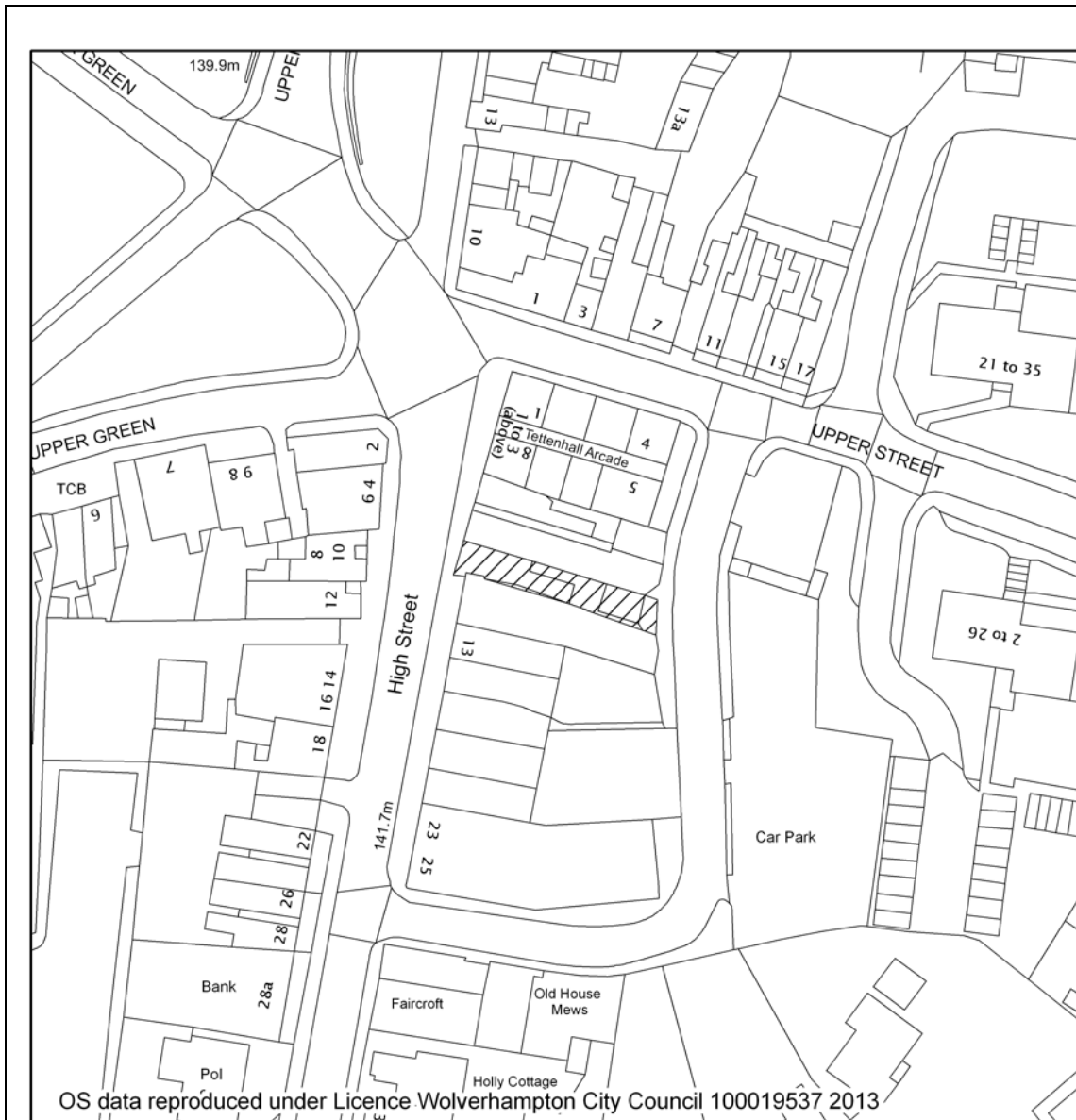
## **10. Conclusion**

- 10.1 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 take-away 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.
- 10.2 The proposal complies with UDP policies SH10, EP1, EP5, AM12, HE4, HE5, HE7 and BCCS policy CSP4 and CEN5.

## **11 Detailed Recommendation**

- 11.1 That planning application 13/00575/FUL be granted subject to any appropriate conditions including;
- Hours of opening 17.30-23.00 hours Monday to Sunday inclusive.
  - Refuse storage details.
  - Installation of extraction system to control the effects of cooking odours.





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# Planning Committee

## 1<sup>st</sup> October 2013

<b>Planning Application No</b>	13/00751/FUL
<b>Site</b>	Site Of 12, 14 and 16 Pickwick Gardens and 21, 23 and 25 Copperfield Close, off Compton Park, Wolverhampton, WV3 9EB
<b>Proposal</b>	Replacement of 4 dwellings with 6 dwellings within the existing approved development 11/00828/FUL
<b>Ward</b>	Park
<b>Applicant</b>	Dean Shaw Redrow Homes Midlands
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Planning Officer</b>	Name Jenny Davies Tel 01902 555608 Email jenny.davies@wolverhampton.gov.uk

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### 1. Summary Recommendation

- 1.1 Delegated authority to grant subject to signing a Deed of Variation.

### 2. Application site

- 2.1 The application site is located approximately 2.5km to the west of the City Centre and located in the Green Belt. The site is under construction to provide new houses by virtue of planning permission 11/00828/FUL.

### 3. Application Details

- 3.1 The proposal is to amend the approved layout to provide an additional two dwellings in the later phase of development. Four large detached

dwellings which have been approved would be replaced by six slightly smaller detached dwellings in two different areas of the site.

#### **4 Relevant Planning History**

- 4.1 11/00828/FUL - Demolition of the existing St Edmund's Catholic School & the erection of an indoor training pitch & associated building, the provision of an all-weather football pitch & replacement of the existing flood lights, reorganisation & upgrading of existing pitches, associated staff & parent & visitor parking & the erection of a replacement pavilion & three floodlit tennis courts. Demolition of University halls of residence, buildings & redevelopment to provide replacement school for St Edmund's comprising the conversion, reconfiguration & extension of the retained University buildings together with external sport, recreation areas, car parking & the erection of 55 four & five bedroom two storey dwellings, access roads & open space. Granted 21.12.2011 subject to a Section 106 Agreement also dated 21.12.2011.

#### **5. Constraints**

- 5.1 Green Belt  
Tree Preservation Order

#### **6. Relevant Policy Documents**

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

#### **7. Environmental Impact Assessment Regulations**

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

#### **8. Publicity**

- 8.1 No representations received.

#### **9. Internal Consultees**

- 9.1 Transportation – no objections

## 10. Legal Implications

10.1 The consideration of application site being situated within the Green Belt, having regard to the National Planning Policy Framework, is set out at paragraphs 11.2 to 11.8 below

10.2 In accordance with S106A of the Town and Country Planning Act 1990 a planning obligation may not be modified except by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable. Accordingly any proposed amendments to the existing S106 Agreement, need to be regularised by a Deed of Variation [KR/18092013/P]

## 11. Appraisal

11.1 The key issues are: -

- Green Belt
- Design and Layout

11.2 Green Belt

The proposed development would result in inappropriate development in the Green Belt. National Planning Policy Framework states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

11.3 When considering any planning application, substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

11.4 Impact on openness

The proposal has been assessed against the extant planning permission and how the 'up lift' in massing of the additional buildings would impact on openness. The proposal would result in an additional dwelling in two areas of the development; one on the north east boundary and one on the north-west.

11.5 The additional dwellings would increase the massing and bulk of buildings and reduce the spaciousness between the dwellings however, the increase is minimised as they are in different parts of the site and would be seen against the backdrop of the new St Edmunds school buildings and dense established woodland which screen the site from various viewpoints. Therefore the impact overall would be minimal.

11.6 Very special circumstances

The applicant has stated that since the grant of the original planning permission the expected improvement in the market for larger houses is proving too weak to achieve the level of sales necessary to generate the returns that were implicit in the original scheme appraisal. The Very Special Circumstances which justified the original development are still relevant and the development could not be realised without the proposed change in house types to make the development feasible.

11.7 It is considered that on balance the minimal harm to the openness of the green belt is out-weighed by the very special circumstances such that development is acceptable.

11.8 Design and layout

The proposed houses would be consistent in terms of scale height and external appearance with the house types already constructed on the site which is acceptable and complies with design policies.

## **12. Conclusion**

12.1 On balance the minimal harm to the openness of the green belt is out-weighed by the very special circumstances. The design and layout of the dwellings is in-keeping with the character of the area and is acceptable in accordance with development plan policies.

## **13 Detailed Recommendation**

13.1 That the Strategic Director Education and Enterprise be given delegated authority to grant planning application 13/00751/FUL subject to the signing of a Deed of Variation to the existing Section 106.



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# Planning Committee

Date 1<sup>st</sup> October 2013

<b>Planning Application No</b>	13/00814/FUL
<b>Site</b>	Bentley Bridge Retail Park
<b>Proposal</b>	Change of use of units B7 and C1b from retail use to allow for a mix of uses including Financial and Professional Services, Restaurants and Cafes, Drinking Establishments, Hot Food Takeaways, Non-Residential Institutions, Assembly and Leisure; a public toilet in unit C1a; and the installation of a mezzanine floor for retail use in unit B3.
<b>Ward</b>	Wednesfield South
<b>Applicant</b>	Friends Life Limited
<b>Agent</b>	Mr Tim Rainbird
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Planning Officer</b>	Name Phillip Walker Tel 01902 55(5632) Email Phillip.walker@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Delegated authority to grant subject to conditions and a unilateral undertaking under s106

## 2. Application site

2.1 The application site is Bentley Bridge Retail Park located on the outskirts of Wednesfield.

2.2 The retail park includes a 'Mall', which is positioned within the north-west corner of the site and contains a covered walkway through its centre, which provides a pedestrian link between the retail park and

Wednesfield Village Centre. The other retail units and car parking areas are to the south and east of the Mall.

- 2.3 There are three vacant units within the 'Mall', namely units B7, C1a and C1b. These units have been vacant since they were constructed in 2005. All other retail units are occupied; including unit B3 which is occupied by Sports Direct.

### **3. Application Details**

- 3.1 It is proposed to change the use of the vacant Mall units B7 (325 sq.m. of floor space) and C1b (318 sq.m. of floor space) from retail use to allow for a mix of uses including Financial and Professional Services, Restaurants and Cafes, Drinking Establishments, Hot Food Takeaways, Non-Residential Institutions, Assembly and Leisure; and to change the use of unit C1a (97 sq.m. of floor space) to public toilets. The retail space lost by the change of use of units B7, C1a and C1b and other unimplemented but consented retail floor space at the retail park would be used to form a mezzanine floor across unit B3 (1,084 sq.m.) Accordingly overall there would be no increase in A1 retail floorspace. No external alterations to the buildings are proposed. The servicing and customer car parking arrangements would be unchanged.

- 3.2 The applicants' case in support of the proposals is that marketing evidence shows there is a demand for the proposed non-A1 uses at the retail park. They state that the proposed change of use will significantly increase the likelihood of the vacant units becoming occupied which would benefit the local economy. The provision of public toilets at the retail park is much needed, particularly as there is currently no such facility available. The retail mezzanine floor space to be created within unit B3 will not, as stated above, result in any uplift in the total permitted A1 retail floor space across the retail park.

- 3.3 The applicants have submitted a draft unilateral legal undertaking not to allow any existing retailer in Wednesfield Village Centre or Wolverhampton City Centre to relocate and trade at Bentley Bridge Retail Park for a period of five years from the completion of the unilateral undertaking, unless they maintain that retail business at those premises or any other premises in that Centre for a period of three years starting with the date on which the Centre retailer begins retailing from Bentley Bridge Retail Park.

### **4 Planning History**

- 4.1 11/00299/FUL. Use of existing retail unit D2 as a shop for the sale of any non-food goods (use class A1) with an ancillary cafe, including the installation of a mezzanine floor. Granted. 26.05.2011.



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- 4.2 09/00482/FUL. Change of use of units B7 (in part) and B8 (in full) from use class A1 (Retail) to use class A3 (Cafe and Restaurant). Amalgamation of Unit B8 with Unit B7 and sub-division of Unit B7 to create an enlarged Unit B8 and a smaller unit B7. Including the creation of new mezzanine floor space for use class A1: Retail, across units C1, C2 and C3. Granted. 23.12.2009.
- 4.3 07/00776/VV. Application under Section 73 to allow for the reconfiguration of the Mall Units without complying with Condition 22 of Planning Permission BCX 285. Granted 09.07.2009.
- 4.4 05/0559/VV/C. Application to vary Condition 22 of Outline Planning Permission BCX/285 - to reduce the minimum gross floor area for units allowed within the Mall area. Granted 22.02.2006.
- 4.5 05/0100/VV/C. Variation of condition 8 of planning permission 99/1039/OP to allow revised service arrangements. Granted. 23.05.2005.
- 4.6 01/0293/RM. Class A1 retail development with associated car parking, servicing, pedestrian and vehicular access and landscaping. Granted. 21.05.2001
- 4.7 99/1039/OP. Class A1 (Retail) with associated car parking, servicing, pedestrian and vehicular access and landscaping. Granted 22.02.2001.
- 4.8 98/0966/RM. Class A1 Retail development, including associated car parking, servicing, pedestrian and vehicular routes and landscaping Approval of reserved matters for BCX/285. Granted 01.11. 2000.
- 4.9 00/1115/VV. Section 73 Application - Alternative master plan to amend Development Brief under the terms of Condition No.4 on Outline Planning Permission BCX285 – Granted 25.10.2000.
- 4.10 99/0525/RM. Class A1 retail development with associated car parking servicing pedestrian and vehicular routes and landscaping, relating to outline permission BCX/285. Granted 14.10.1999.
- 4.11 99/0797/VV. Section 73 Application - Alternative Master Plan to Vary Development Brief under the terms of Condition No.4 of planning permission BCX/0285 – Granted 11.10.1999.
- 4.12 BCX 0285. Demolition of derelict office block (James House). Erection of a built leisure and retail complex with ancillary office development. Granted 04.04.1996.

## **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 Councillor Philip Bateman has written in support of the proposals.

**8. Internal Consultees**

- 8.1 Environmental Health and Transportation – No objections.

**9. Legal Implications**

- 9.1 Section 55(2)(f) of the Town and Country Planning Act 1990 requires that planning permission be obtained for the development of land, including the the making of the material change in the use of the building in the use of any building or land. The Town and Coutry Planning (Use Classes) Order 1987 prescribes a number of classes of use including Class A1 (Shops)
- 9.2 Under S106 of the Town and Country planning Act 1990 any person interested in land in the area of a local planning authority may by agreement enter a planning obligation including restricting the development or use of land in any specified way. (KR/19092013/I.)

**10. Appraisal**

- 10.1 The key issue for consideration is the impact on the vitality and viability of Wednesfield Village Centre.
- 10.2 A sequential approach to site selection has been adopted and it has been demonstrated that there are no sequentially preferable locations in Wednesfield Village Centre for the proposed non-A1 retail uses.
- 10.3 The applicants have carried out marketing exercises and the findings have shown that there is a demand for the proposed non-A1 retail uses at the retail park.
- 10.4 Units C1a, C1b and B7 have been vacant since 2005. The change of use of these units to the proposed non-A1 retail uses would help to improve the prospect of the units becoming occupied which would in turn create new jobs, activity and contribute towards promoting the

integration of the retail park with Wednesfield Village Centre. Subject to conditions removing permitted development rights to prevent units C1b and B7 from reverting back to Use Class A1 retail use, the proposed change of use of these units would be acceptable.

- 10.5 The provision of 1,084 sq.m. of retail mezzanine floor space in unit B3 would not result in any uplift in the total permitted A1 retail floor space across the retail park and as such is not harmful to the viability and vitality of Wednesfield Village Centre. This is subject to appropriate conditions and a Unilateral Undertaking to prevent the relocation of any existing retailer in Wednesfield Village Centre or Wolverhampton City Centre from relocating and trading at Bentley Bridge Retail Park for a period of five years unless they maintain that retail business at those premises or any other premises in that Centre for a period of three years starting with the date on which the Centre retailer begins retailing from Bentley Bridge Retail Park.
- 10.6 The proposals are in accordance with BCCS policy CEN5 'District and Local Centres' and UDP policy WVC2 'Improved Linkages and Connectivity'.

## **11. Conclusion**

- 11.1 The proposed change of use of units C1a, C1b and B7 and the provision of additional retail floor space in unit B7 would not be detrimental to the vitality and viability of Wednesfield Village Centre. The proposals improve the likelihood of the empty Mall units becoming occupied and result in the provision of public toilets. There would be potential planning gain including new jobs and improved integration of the retail park with Wednesfield Village Centre.
- 11.2 The proposals comply with BCCS policy CEN5 and UDP policy WVC2, subject to conditions including the removal of permitted development rights in order to prevent units C1b and B7 from reverting back to Use Class A1 retail use and a unilateral undertaking under s106 as recommended.

## **12. Detailed Recommendation**

- 12.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/00814/FUL subject to:
- (i) Negotiation and completion of a Unilateral Undertaking under Section 106 to:
- Prevent for a period of five years beginning with the date of the completion of the Deed any existing retailer in Wednesfield Village Centre or Wolverhampton City Centre from relocating to Bentley Bridge Retail Park unless they maintain that retail business at those premises or any other

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premises in that Centre for a period of three years starting with the date on which the Centre retailer begins retailing from Bentley Bridge Retail Park.

- Targeted recruitment and training

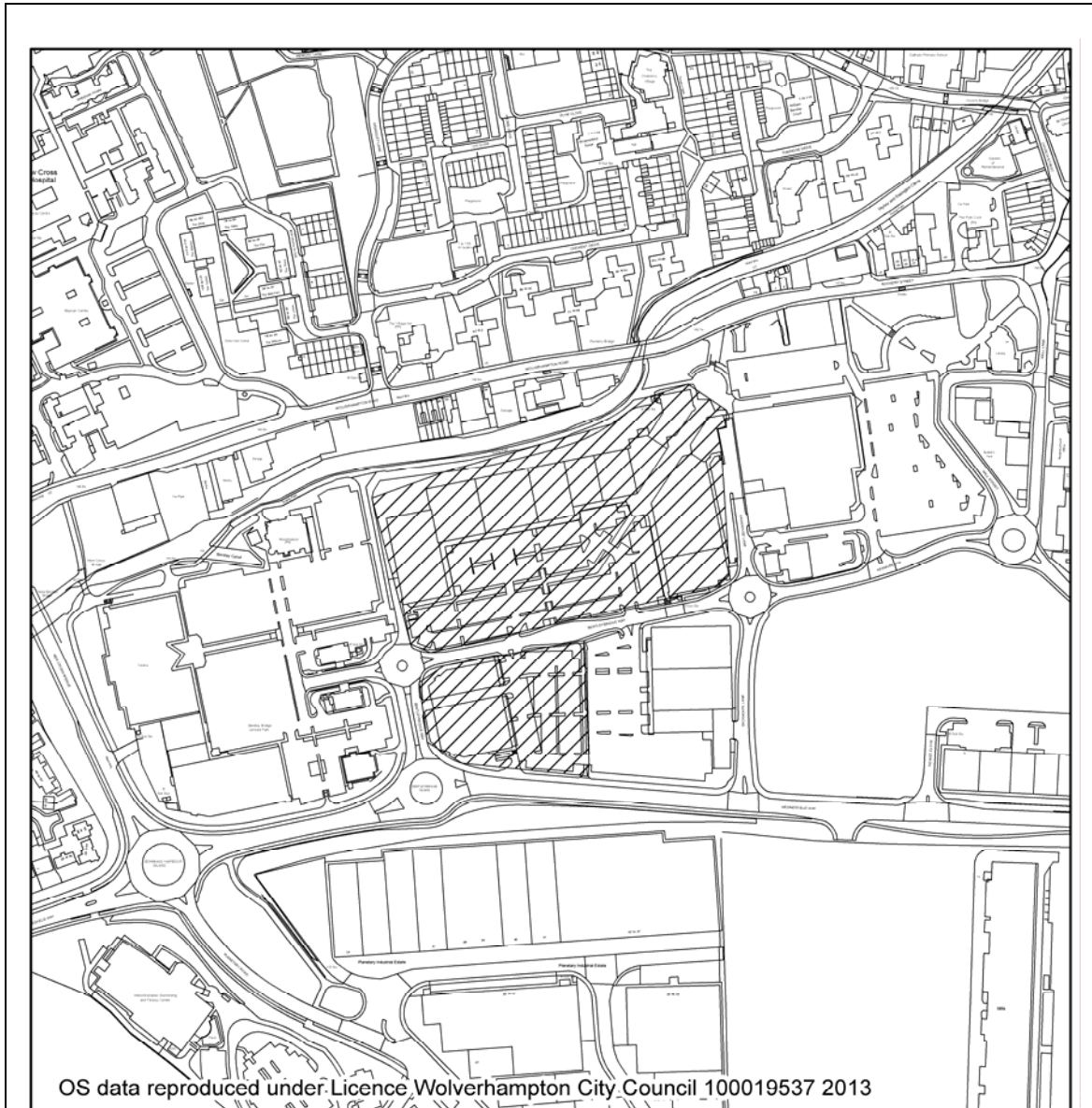
(ii) Any necessary conditions to include:

- Limit the total Use Class A1 retail floor space at Bentley Bridge Retail Park to no more than 16,435 sq.m gross external floor space
- Limit the total Use Class A1 retail mezzanine floor space that can be installed within units C2, C3b and C3a to no more than 820 sq.m.gross internal area and unit D2 to no more than 1,261 sq.m gross internal area
- Limit the total Use Class A1 retail mezzanine floor space that can be installed within Unit B3 to be no more than 1,084 sq.m. gross internal area
- No additional mezzanine floor space in any part of Bentley Bridge Retail Park other than the use class A1 retail mezzanine floor space of up to 820 sq.m gross internal area within units C2/C3b and C3a, 1,261 sq.m. gross internal area within unit D2 and up to 1,080 sq.m. gross internal area within unit B3.
- Submission of layout details of the mezzanine floor space within unit B3
- The gross internal area of unit D1 not to exceed 701 sq.m.
- No unit shall be used for the sale of food (convenience) goods, except where any form an ancillary part of the retail offer (but not restricting the operation of ancillary cafes).
- Unit D1 not to be used for the sale of food and drink to be consumed off the premises; clothing or footwear; cutlery, crockery or glass wear; jewellery, clocks or watches; books, toys or cameras or photographic equipment; pharmaceutical or beauty products
- Unit C1a only to be used as a public WC (sui generis use)
- No subdivision of any units except unit B3, which cannot be subdivided into more than two units
- Details of the layout for the subdivided unit B3
- Unit B8 only to be used as a café restaurant (Use class A3)
- Unit B7 and C1b only to be used for uses A2, A3, A4, A5, D1 and D2
- Other than units B7, C1a and C1b no units shall have a gross external floor area of less than 700 sq.m.
- Servicing arrangements for units D1 and D2
- Retention and management of car parking areas, servicing areas and landscaping
- Car park management plan
- Clear glazing for shop fronts
- Refuse storage
- Lighting
- Boundary treatments

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- No leisure uses within the red line site
- External flues
- Signage
- Site waste management plan
- Cycle details

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



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# Planning Committee

1 October 2013

<b>Report Title</b>	Authorisation to serve notice under Section 215 of the Town and Country Planning Act (Requiring the proper Maintenance of Land) at 24 – 27 Victoria Street, Wolverhampton.	
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Wards Affected</b>	St. Peters	
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Planning Services	
<b>Accountable officer(s)</b>	Charlotte Morrison	Section Leader
	Tel	01902 551357
	Email	charlotte.morrison@wolverhampton.gov.uk

**Recommendation for action or decision:**

The Committee is recommended to authorise the issuing of a notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land comprising buildings at 24 – 27 Victoria Street, Wolverhampton(“the buildings”).

## **1.0 Purpose**

- 1.1 The report is bought to Committee as the notice requires large scale and detailed works to a number of prominent properties (“the buildings”) within the Worcester Street Conservation Area (“the Conservation Area”).

## **2.0 Background**

- 2.1 The report is presented as part of the Council wide on-going commitment to improving the city centre. A number of S215 notices have been served on various properties and some direct action has also been carried out where notices have not been complied with.
- 2.2 Negotiations are on-going in relation to developing the buildings. The planning application which is currently under consideration is unlikely to be approved and we’re working a solution to develop the site. This is likely to take the form of a new application.
- 2.3 There is an extant S215 notice relating to 1 Cleveland Street – a single storey building to the rear of the buildings. This notice has been challenged in the Magistrate’s courts and the appeal was withdrawn by the appellant after an agreement was reached to allow an extended compliance period.

## **3.0 Financial implications**

- 3.1 Should the S215 notice as issued in respect of the buildings not be complied with then a decision would be made whether to take further action by way of prosecution, incurring legal costs which could be recouped in successful cases, or direct action where the Council as the Local Planning Authority enter the buildings and carry out the works applying a charge to the buildings. In this case, given the scope and cost of the works, it is likely that prosecution would be considered in the first instance.

## **4.0 Legal implications**

- 4.1 Under Section 215 of the Town and Country Planning Act 1990 the Council, acting as Local Planning Authority, may issue a notice requiring the proper maintenance of land (including buildings). There is a right of appeal to the magistrate’s court against the notice before it takes effect and the notice would effectively be suspended whilst any appeal is determined.
- 4.2 If after the end of the compliance time stated in the notice the notice has not been complied with an offence is committed under Section 216 of the Act and can result in a fine not exceeding level 3 on the standard scale (£1000). On subsequent prosecutions for the same offence the fine would be based on a daily rate of £100 per day since the previous prosecution. KR/19092013/A



## **5.0 The site and Surroundings**

- 5.1 Victoria Street is entirely within the Conservation Area and has a number of attractive and important historical features many of which need to be retained as part of the Local Authorities responsibility to preserve and enhance the Conservation Area.
- 5.2 On the buildings at 24 – 27 Victoria Street of particular note are the oriel windows which in some cases have been retained but in other cases have been replaced with substandard 'modern' type windows.
- 5.3 The upper floors of the buildings are in a variety of states with some retaining their original features (sash windows) and all retaining the interesting soffit detailing apart from the end property on which it is absent and has not been replaced.
- 5.4 Further rainwater goods are generally present, but need to be refurbished. In some cases they are overgrown with plants (and trees).
- 5.5 A number of the frontages in Victoria Street are boarded and it is not possible to tell what remains under the boarding. The shop fronts are a wide variety and mixture. Section 215 cannot deal with advertisements, roller shutters or unsympathetic shop fronts, which are considered to be immune from planning enforcement action through the passage of time.

## **6.0 Environmental implications**

- 6.1 Failure to take effective action under Section 215 of the Act would result in a disparity between this and other similar buildings in the city centre and would allow the building to deteriorate further and have a severe adverse impact on the amenity of the neighbourhood.

## **7.0 Appraisal**

- 7.1 The key issues are;-
- The impact on the amenity of the neighbourhood
  - Reasonable requirements
  - Period for compliance
- 7.2 Impact on the amenity of the neighbourhood  
The buildings are in a poor state of repair and occupy a prominent location in the conservation area within the city centre. The buildings require a great deal of work to bring them up to a proper standard.
- 7.3 The impact of the dereliction of the buildings is a severe loss of amenity not only the immediate visual amenity within the street scene but also the wider city centre. This action is part of a wider strategy of raising the amenity of the city centre in order to encourage and lead businesses to take responsibility for their premises for the benefit of the whole city centre.

#### 7.4 Requirements

One of the matters which can be appealed against is that the requirements of the notice are unreasonable and that lesser steps would overcome the impact on amenity. It is therefore important that Committee are fully apprised of the full schedule of works, with a different schedule for each of the four buildings 24, 25, 26 and 27 Victoria Street in the buildings and include general information such as the need to obtain necessary licences and removal of debris. The works are then grouped into headings. The four schedules of works are included at Annex A, and will form the basis of the 'steps to be taken' part of the S215 notice. Each schedule has been carefully considered and are reasonable in all respects.

#### 7.5 Period for compliance

These works are part of a wider programme of works within the city centre. Some of the less onerous S215 notices have required compliance periods of 28 days. 1 Cleveland Street to the rear of the buildings, which is under the same ownership is subject to a separate extant S215 notice which requires compliance within six months from 4<sup>th</sup> September that is by 4<sup>th</sup> March 2014. The works to 1 Cleveland Street and the proposed required works to the buildings could be done at the same time as part of the wider redevelopment of the site within the same ownership as the owners have indicated they would like to do. The compliance time for the proposed S215 notice should be six months in line with the 1 Cleveland Street notice.

### 8.0 Conclusion

8.1 The buildings have a severe adverse impact on the amenity of the neighbourhood. The requirements outlined in the attached schedules are the minimum steps which could be taken to rectify the harm caused to amenity and the six months for compliance is reasonable.



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## **S.215 Notice: Schedule of works**

### **24 Victoria Street: Wolverhampton**

#### *For information:*

- *Obtain all necessary licences for skips; scaffolding etc.*
- *Erect safe and suitable scaffolding access to all roof slopes and elevations.*
- *Remove all debris from site to authorised disposal facility.*

#### *Roof:*

- Replace all defective and missing roofing slates with natural Welsh slates to match existing in size; colour and texture.
- Replace all damaged and missing leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

#### *Rainwater and external drainage goods:*

- Remove all vegetation and debris from gutters.
- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing. Install downpipes and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

#### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.
- Repair and decorate the corner fascia board detail with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

#### *Walls:*

- *Bell Street elevation:* Decorate existing render with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to match existing.
- *Bell Street and Victoria Street elevations:* Remove signage and fixings from corner entrance pilasters and walls. Remove redundant alarm boxes; lighting units; fixings; cables etc.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

#### *Windows:*

- *Ground, first and second floors (Bell Street elevation):* Remove all loose and flaking paint from stone window sills and lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.

## NOT PROTECTIVELY MARKED

- *First floor (Bell Street elevation):* Remove existing windows. Install 5no. double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match the existing second floor windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- *First floor: corner oriel window (corner of Bell Street & Victoria Street):* Repair oriel window roof and renew leadwork. Install oriel window to include double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- *First floor oriel window (Victoria Street elevation):* Repair roof and joinery and renew leadwork. Install oriel window to include double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- *Second floor (Bell Street and Victoria Street elevations):* Overhaul and repair existing double hung sash windows. Remove existing paint, prepare woodwork. Replace putty as required. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove algae from brickwork above shopfront cornice.
- Prepare surface of existing pilaster capitals and decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- Remove loose and flaking paint from stone window sills and lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

### *Single storey rear building:*

- Clear all debris; seats; mattress etc. from flat roof.
- Cut back all vegetation and treat root system with herbicide. Allow vegetation to die back before removal.
- *Bell Street elevation:* Repair damaged parapet brickwork and corbel detail.
- *Cleveland Passage elevation:* Repair existing render. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear boundary wall (Cleveland Passage):*

- Remove existing boards from rear gate and replace with exterior grade plywood. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

## **25 Victoria Street: Wolverhampton**

### *For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

### *Roof:*

- Replace existing roof covering with natural Welsh slates to match existing in size; colour and texture.
- Replace leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

### *Rainwater and external drainage goods:*

- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing.
- *Victoria Street elevation:* Install cast iron downpipe and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks. Profiles to match existing gutters on 24 Victoria Street.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Walls:*

- Carry out localised brickwork repairs and repoint in a lime mortar as necessary.

### *Windows (Victoria Street elevation):*

- Replace stone sills to second floor windows with natural sandstone. Profiles to match original detail. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Remove all loose and flaking paint from stone lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Repair roof and joinery of first floor oriel window. Renew leadwork. Refurbish and decorate existing window. Remove existing paint; prepare woodwork. Replace putty as required. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

## NOT PROTECTIVELY MARKED

- Refurbish and decorate existing second floor double hung sash windows. Remove existing paint; prepare woodwork. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Replace putty as required. Reglaze as necessary. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove hoardings and signage fascia.
- Prepare and decorate existing capitals with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.
- Install traditional shopfront including pilasters; capitals; cornice; fascia and stall riser. (N.B. Planning approval will be required for a replacement shopfront; details to be agreed with the Local Planning Authority.)

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear building (Cleveland Passage):*

- Cut back all vegetation and treat root system with herbicide. Allow to die back before removal.
- Replace existing roof covering with natural Welsh slate to match existing in size; colour and texture.
- Replace all damaged and missing leadwork.
- Inspect existing ridge tiles; refix or replace as necessary with natural clay ridge tiles to match existing.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.
- Install cast iron downpipes and gutters to appropriate falls to ensure complete discharge of rainwater from the building without leaks. All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.
- Repair rear door. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

## **26 Victoria Street: Wolverhampton**

### *For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

### *Roof:*

- Replace existing roof covering with natural Welsh slates to match existing in size; colour and texture.
- Replace leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

### *Rainwater and external drainage goods:*

- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing. Install downpipes and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks.
- *Victoria Street elevation:* Install cast iron downpipes and gutters to appropriate falls and connect to adjacent gutters to ensure complete discharge of rainwater from the building without leaks. Profiles to match existing gutters on 24 Victoria Street.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Walls:*

- Remove redundant alarm boxes; fixings; cables; signage etc.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

### *Windows (Victoria Street elevation):*

- Replace stone sills to second floor windows with natural sandstone. Profiles to match original detail. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Remove all loose and flaking paint from lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Install first floor oriel window and roof; to include slates; leadwork and double hung, vertical sliding, timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield



## NOT PROTECTIVELY MARKED

exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

- Refurbish existing second floor double hung sash window. Remove existing paint, prepare woodwork. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Replace putty as required; Reglaze as necessary. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.
- Install second floor double hung, vertical sliding, timber sash window with brass pulleys; cords and weights. Joinery profiles to match existing window at 2<sup>nd</sup> floor level. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove hoardings and signage fascia.
- Install traditional shopfront including pilasters; capitals (to match existing on nos. 24 & 25); cornice; fascia and stall riser. (N.B. Planning approval will be required for a replacement shopfront; details to be agreed with the Local Planning Authority.)

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear boundary wall (Cleveland Passage):*

- Remove all vegetation from rear yard.
- Remove metal sheet from boundary.
- Rebuild rear boundary wall in bricks to match existing in size; colour and texture.

## **27 Victoria Street: Wolverhampton**

### *For information:*

- Obtain all necessary licences for skips; scaffolding etc.
- Erect safe and suitable scaffolding access to all roof slopes and elevations.
- Remove all debris from site to authorised disposal facility.

### *Roof:*

- Replace existing roof covering with natural Welsh slates to match existing in size; colour and texture.
- Replace leadwork.
- Repair and repoint chimney stack.
- Refix existing ridge tiles; any shortfall to be replaced with natural clay ridge tiles to match existing.

### *Rainwater and external drainage goods:*

- Overhaul all existing cast iron rainwater and external drainage goods. Replace all plastic; missing and defective sections in cast iron; gutter profile to match existing. Install downpipes and gutters to appropriate falls and connect to adjacent gutters, to ensure complete discharge of rainwater from the building without leaks.
- *Victoria Street elevation:* Install cast iron downpipes and gutters to appropriate falls and connect to adjacent gutters to ensure complete discharge of rainwater from the building without leaks. Profiles to match existing gutters on no. 24 Victoria Street.
- All components to be supplied with manufacturer's primer and painted with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Eaves:*

- Repair eaves soffit detail. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.

### *Walls:*

- Remove redundant alarm boxes; fixings; cables etc.
- Carry out localised brickwork repairs and repoint in lime mortar as necessary.

### *Windows (Victoria Street elevation):*

- Replace stone sills to second floor windows with natural sandstone. Profiles to match original detail.
- Remove all loose and flaking paint from lintels. Prepare surface and decorate with Beeck mineral silicate paint system or similar. Colour to be off white.
- Install first floor oriel window and roof; to include slates; leadwork and double hung; vertical sliding; timber sash windows with brass pulleys; cords and weights. Joinery profiles to match original first floor oriel window at no. 25 Victoria Street. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

## NOT PROTECTIVELY MARKED

- Refurbish existing second floor double hung sash windows. Remove existing paint, prepare woodwork. Replace putty as required. Reglaze as necessary. Repair/replace decaying timber as required with timber to match existing in species; joinery profiles and appearance. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Shopfront:*

- Remove hoardings and signage fascia.
- Install traditional shopfront including pilasters; capitals (to match existing on nos. 24 & 25); cornice; fascia and stall riser. (N.B. Planning approval will be required for a replacement shopfront; details to be agreed with the Local Planning Authority.)

### *Rear elevation (Cleveland Passage):*

- Overhaul and repair all existing windows. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions. Colour to be off white.

### *Rear boundary wall (Cleveland Passage):*

- Remove all vegetation from rear yard.
- Rebuild rear boundary wall in bricks to match existing in size; colour and texture.
- Overhaul and repair existing gate. Decorate with Dulux Weathershield exterior paint system or similar, in accordance with manufacturer's instructions.