



Planning Committee

3 December 2013

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

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

Room 3 (3rd 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

Quorum for this meeting is three Councillors.

Information for the Public

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

Contact John Wright
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Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

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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 (1 October 2013)**
[For approval]
4. **Matters arising**
[To consider any matters arising from the minutes]

DECISION ITEMS

5. **Planning Application 13/00852/FUL Land Adjacent to 30 Howland Close, Pendeford, Wolverhampton**
[Outline recommendation : Grant subject to conditions]
6. **Planning Application 13/00757/FUL Impacta Ltd, Oxford Street, Wolverhampton**
[Outline recommendation : Grant subject to conditions]
7. **Objections to the Wolverhampton City Council (26 Clewley Drive) Tree Preservation Order: 2013**
[Outline recommendation : To grant delegated authority to confirm the order]



Planning Committee

Minutes – 1 October 2013

Attendance

Members of the Committee

Cllr Linda Leach (Chair)

Cllr Harman Banger (Vice Chair)

Cllr Claire Darke

Cllr Malcolm Gwinnett

Cllr Matthew Holdcroft

Cllr Keith Inston

Cllr John Rowley

Cllr Bert Turner

Staff

Stephen Alexander Head of Planning

Lisa Delrio Senior Solicitor

Martyn Gregory Section Leader

Alan Murphy Section Leader

Colin Noakes Planning Officer

Marianne Page Section Leader – Transportation

Phil Walker Planning Officer

John Wright Democratic Support Manager

Apologies

Apologies for absence were received from Cllr Michael Hardacre, Cllr Julie Hodgkiss, Cllr Mrs Wendy Thompson and Cllr Jonathan Yardley

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

1. **Chair's Announcement**

The Chair welcomed councillors and employees of South Staffordshire District Council who had come to observe the meeting.

2. **Declarations of interest**

Councillor Inston declared a non pecuniary interest in planning application 13/00506/FUL East Park Primary School, Hollington Road Wolverhampton as he knew the member of the public speaking on the application.

3. **Minutes of the previous meeting**

Resolved:-

That the minutes of the meeting held on 3 September 2013 be approved as a correct record and signed by the Chair.

4. **Matters arising**

There were no matters arising.

DECISION ITEMS

5. **Planning Application 13/00624/FUL Wightwick House, Wightwick Bank Wolverhampton**

The Section Leader informed the Committee that an ecological report had been received but it was considered to be inadequate as it made no reference to the site being in accent woodland or the impact on foraging bats. An amended heritage statement had also been received but it did not affect the recommendation in the report. The Fire Officer had indicated that use of a sprinkler system would be acceptable

Mr Lambert spoke in opposition to the application.

Mr Williams spoke in support of the application

Councillors expressed particular concern about the impact of the proposed development on the Listed Buildings and grounds of Wightwick Manor.

Resolved

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

- Adverse impact on the setting of the listed buildings; Wightwick House and Wightwick Manor and barns.
- Adverse impact on the character of the conservation area.
- Adverse impact on the setting of the grade II registered garden.
- Adverse impact on the enjoyment of the garden to Wightwick House.
- Loss of trees in an area of Ancient Woodland.
- Application not supported by an adequate 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

6. **Planning Application 13/00586/FUL 53 Richmond Road Wolverhampton**

The Section Leader informed the Committee of an additional proposed reason for refusal relating to the loss of garden land to the existing dwelling.

Mr Allenza spoke in opposition to the application.

Mrs Porter spoke in support of the application

Some councillors expressed the view that the development would be back land development, out of character with the area, infill development and would be detrimental to the amenity of neighbouring properties.

Resolved

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.
- Loss of private garden land to the existing dwelling

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

Having declared an interest Cllr Inston left the room and took no part in the consideration of this application.

Mr Beattie spoke in opposition to the application.

Some councillors expressed the view that the proposed fence would not be visually intrusive.

Resolved

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

- Materials - RAL 6005 Dark Green.

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

The Section Leader informed the Committee that an additional letter had been received relating to construction traffic.

Resolved

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

- Matching materials
- Cycle parking provision for staff

9. **Planning Application 13/00757/FUL Impacta Ltd Oxford Street Bilston**

Mr James spoke in opposition to the application.

Some councillors expressed the view because there had been a history of neighbour complaints about the site the Committee should visit the site before determining the application.

Resolved

That consideration of planning application 13/00757/FUL be deferred to enable a site visit to be held prior to the next meeting of the Committee.

10. **Planning Application 13/00843/FUL 4 Richmond Drive Wolverhampton**

Mr Vaidya spoke in support of the application.

Resolved

That planning application 13/00843/FUL be granted subject to any appropriate conditions including:

- Matching materials

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

Resolved

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

12. **Planning Application 13/00751/FUL Site Of 12, 14 and 16 Pickwick Gardens and 21, 23 and 25 Copperfield Close, off Compton Park Wolverhampton**

Resolved

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.

13. **Planning Application 13/00814/FUL Bentley Bridge Retail Park Wolverhampton**

The Planning Officer informed the Committee that following discussions with the applicant some of the proposed conditions were no longer necessary, others had been amended and others had been added.

Resolved

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 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 of the total area of buildings within the red line 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 unit B3 to no more than 1,084 gross internal area
- No additional mezzanine floor space within the red line other than the use class A1 retail mezzanine floorspace of up to 820sqm gross internal area within units C1b, C2/C3b and C3a, 1,261 sqm gross internal area within unit D2 and up to 1,084 sqm gross internal area within unit B3
- Limit the total use class A1 retail mezzanine floor space that can be installed within unit B3 to no more than 1,084 sqm gross internal area. The mezzanine floorspace cannot be installed until the works to subdivide unit B3 have been completed prior to these works commencing details of the layout including mezzanine floor space to be submitted for approval
- 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 other than where they are ancillary to the sale of the permitted goods
- Unit C1a only to be used as a public WC (sui generis use)
- With the exception of units B7, C1a and C1b no unit shall have a gross external area of less than 700 sqm. There shall also be no further subdivision of units D2, B7, C1a and C1b
- 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
- 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
- Boundary treatments
- External flues for units B7 and C1b
- Site waste management plan for unit B3
- Cycle details
- 10% Renewable energy for unit B3 only

14. **Authorisation to serve a Section 215 Notice 24-27 Victoria Street Wolverhampton**

A report was submitted on a proposal that a notice be issued to require the proper maintenance of buildings that were within the Worcester Street Conservation Area.

Resolved

That a notice under Section 215 of the Town and Country Planning Act 1990 be issued requiring the proper maintenance of land comprising buildings at 24 – 27 Victoria Street, Wolverhampton



Planning Committee

3 December 2013

Planning Application No	13/00852/FUL	
Site	Land Adjacent to 30 Howland Close, Pendeford, Wolverhampton	
Proposal	Erection of a two-storey building comprising 8 No. two bedroom flats, and the provision of 8 No. car parking spaces.	
Ward	Oxley	
Applicant	Heart of England Baptist Association	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Planning Officer	Name	Andy Carter
	Tel	01902 551132
	Email	andy.carter@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Grant planning application 13/00852/FUL subject to conditions

2. Application Site

- 2.1 The site is within the Pendeford area, approximately 3 miles from Wolverhampton city centre. Access to the site is via Howland Close, which is a cul - de - sac leading from Blaydon Road and Halesworth Road. The site currently comprises an area of level open space, forming a gap between the final house in Howland Close and the Council operated Mirage Youth Centre.

- 2.2 The wider site context is residential, made up of detached, semi-detached and maisonette style properties. Large areas of open space lie to the south.

3. Application details

- 3.1 The proposals are for 8 no. two bedroom apartments, within a two storey building. An 8 space parking area is proposed at the rear of the building with an access road leading from Howland Close. The application is in outline form, and seeks approval for means of access, layout and scale.
- 3.2 The design of the building and surrounding landscaping are reserved matters until the detailed stage. The application therefore seeks to establish the principle of the use, the number of flats, their layout, and the size of the building.

4. Constraints

- 4.1 Edge of Green Belt

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:

SPG3 Residential Development

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 Eight representations received in objection to the proposals. The planning comments are summarised below:
- Flood risk
 - Design
 - Loss of views
 - Lack of parking
 - Traffic concerns

- Loss of open space

8. Internal Consultees

8.1 **Environmental Health** – No objections

8.2 **Transportation Development** – No objections

9. External Consultees

9.1 **Environment Agency** – No objections

10. Legal Implications

10.1 There are no specific legal implications resulting from this report (KR/22102013/G.)

11. Appraisal

11.1 The key issues are: -

- Principle of residential use
- Layout
- Green Belt
- Neighbour amenity
- Parking and Traffic
- Loss of open space
- Flood risk

11.2 Principle of residential use

The surrounding area is predominantly residential aside from the adjacent Youth Centre. Consequently the proposals for a small scale flatted development are consistent with the land use context and therefore compliant with policy H6 of the UDP

11.3 Layout

Although the application is in outline details have been provided in respect of the layout of the development, and indicative details have been provided in respect of the design. The proposed building sits roughly at the centre of the site, following the building line of 30 Howland Close, and therefore addressing the street scene.

11.4 Pedestrian access to the building would be at the centre of the front elevation, leading to a central hallway. Four flats would be accessed from the central hallway on each floor. The applicants have submitted an indicative front elevation showing a hipped roof building with detailing provided by Juliet balconies to the living rooms of the proposed flats.

- 11.5 An area of proposed landscaping surrounds the proposed building. The private amenity space is below the recommendation set out in SPG3, however the site is opposite and alongside accessible public open space. The proposals are consistent with D7, D8, D9 and H6 of the UPD.
- 11.6 **Green Belt**
The site is not within the Green Belt but is immediately opposite land which is. The proposed height at two storeys is consistent with the adjacent dwelling, and therefore respects the built forms in the street scene, consequently the proposals are at a scale and height that respect visual amenity and visual character of the Green Belt, and are consistent with policy G3 of the UDP.
- 11.7 **Neighbour Amenity**
The distance separation between the proposed flats and the adjacent dwelling is 8m. A 2m high close boarded fence runs along the boundary between the site and 30 Howland Close offering privacy and separation of space. The elevation of 30 Howland Close which faces onto the site has a single window at ground floor which is largely obscured by the aforementioned fence. The fenestration to most of the habitable rooms of the proposed flats face out either onto the existing public open space, or towards the maisonettes to the north which are over 30m away. The two windows facing onto the garden of 30 Howland Close are to a bedroom and kitchen respectively. The distance of 12m to the garden space is considered sufficient to maintain privacy.
- 11.8 The footprint of the building is in the form of an inverted 'T' with the building stepping-in to create a greater distance separation with the rear garden of 30 Howland Close. The result is a 12m distance between the garden and the proposed building, thereby reducing possible impacts from overbearing and loss of daylight. The proposals are consistent with D7, D8, D9 and H6 of the UPD and ENV3 of the BCCS
- 11.9 **Parking and Traffic**
The proposed parking provision of one space per flat is appropriate for the likely parking demands of the development. Cycle storage would be provided to encourage residents to travel sustainably. The increase in traffic movements along Howland Close to access the parking at the rear of the site would be relatively low, and is therefore considered to be acceptable. The proposals are consistent with AM12 of the UDP
- 11.10 **Loss of Open Space**
The site, although used informally as open space is not designated as such within the Development Plan, consequently there is no planning protection afforded to it in this regard. A large area of designated formal and informal open space exists to the south of the site leading

towards the Shropshire Union Canal. The proposals are consistent policy R4 of the UDP.

11.11 Flood Risk

The Environment Agency have advised both the applicant and the Local Planning Authority that the site does not fall within a Flood Zone. As such there is no advised risk of flooding on the site. The proposals are consistent with ENV5 of the BCCS.

11.12 Summary

The site is on the edge of a predominantly residential area therefore the use is acceptable. The proposed height and position of the building within the site would positively address the immediate built context of Howland Close and respect the character and visual amenity of the Green Belt. Fenestration has been kept to a minimum on the elevation facing 30 Howland Close to respect the privacy of this property.

11.13 Parking provision is appropriate at this location, and although private open space does not meet standards large areas of public open space exist to the south of the site. The site is not advised to be at risk of flooding.

12. Conclusion

12.1 The proposals are consistent and compliant with the Development Plan and present an opportunity to bring eight flats to the housing stock of Wolverhampton.

13. Recommendation

13.1 That planning application 13/00852/FUL be granted subject to the following conditions:

- Appearance
- Landscaping
- Boundary treatments
- Bin stores
- Cycle store
- Materials
- Drainage
- Hours of construction



Planning Committee

3 December 2013

Planning Application No	DC/13/00757/FUL
Site	Impacta Ltd, Oxford Street, Wolverhampton
Proposal Erection of external storage facility	Erection of external storage facility
Ward	Bilston East
Applicant	Mr Warren Morgan
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable Strategic Director	Tim Johnson, Education and Enterprise
Planning Officer	Name Colin Noakes Tel 01902 551124 Email Colin.noakes@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions

2. Application site

2.1 This application was deferred by Planning Committee on 1 October 2013 for a site visit.

2.2 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.

2.3 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 (LD/21112013/C)

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

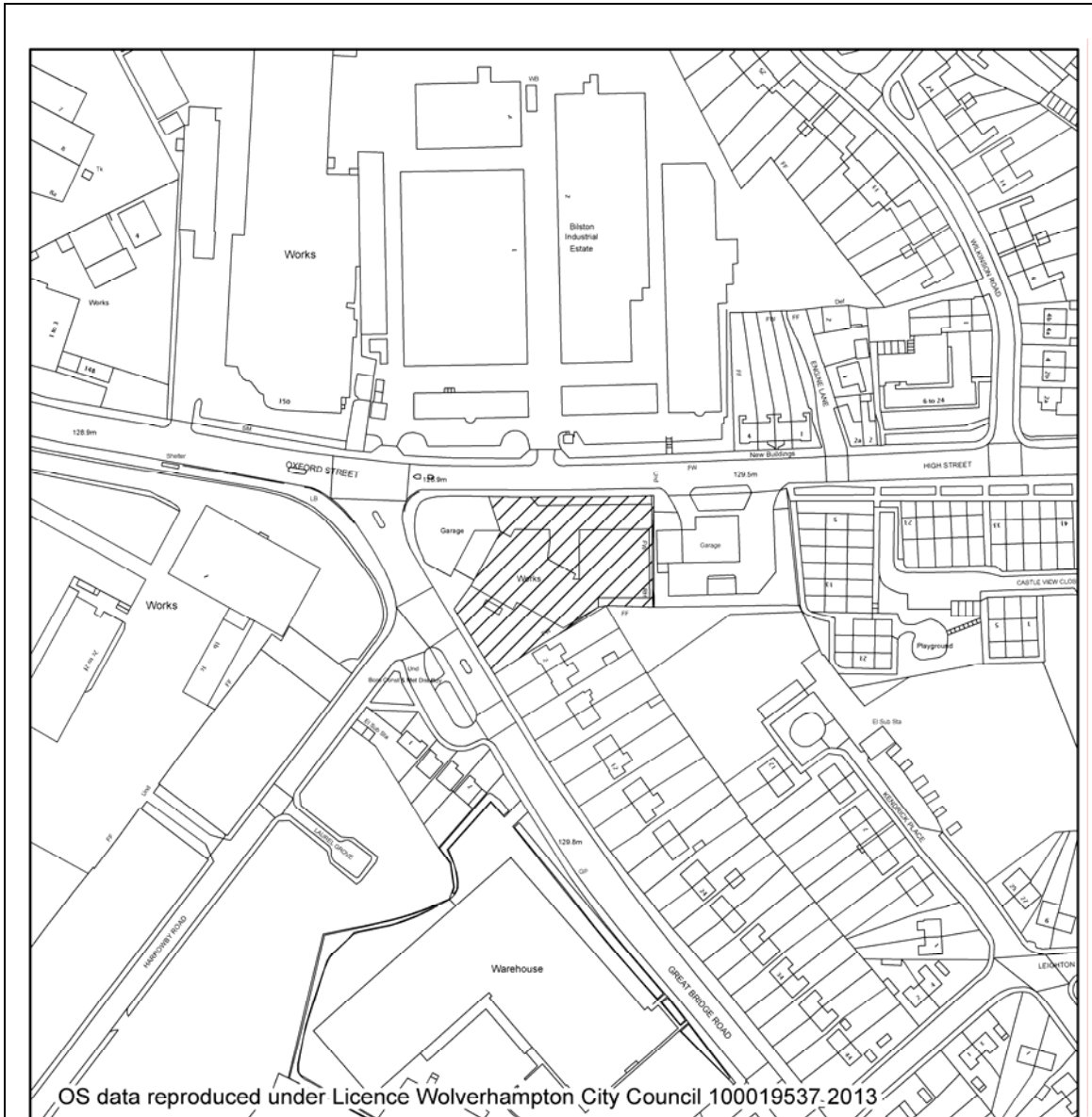
Although there are residential properties that abut the site these are on the opposite side of the main factory unit. The nearest houses along High Street are approximately 65m away from the building. Neighbours have raised concerns regarding noise and fumes generated from the use of the structure. However, 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

3 December 2013

Report Title	Objections to the Wolverhampton City Council (26 Clewley Drive) Tree Preservation Order: 2013	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Wards Affected	Oxley	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Originating service	Planning	
Accountable officer(s)	Name:	Alison McCormick
	Tel:	01902 555640
	Email:	alison.mccormick@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Committee is recommended to:

1. Grant delegated authority to the Strategic Director of Education and Enterprise to confirm the Wolverhampton City Council (26 Clewley Drive)(No. 2) Tree Preservation Order 2013, subject to no new reasons for objection being received by 14 November, 2013

1.0 Purpose

1.1 To consider the confirmation of a tree preservation order in accordance with the powers of the local authority to protect trees worthy of preservation.

2.0 Background

2.1 The tree preservation order was made to protect these 2 small leaved lime trees and to regulate their future management, for the following reasons:

- They are of significant amenity value.
- They are forest sized trees situated in a prominent location on a junction.
- They are important in the local landscape: there are no other trees within the vicinity of comparable stature.
- They are in good condition (with an estimated safe useful life expectancy in excess of 40 years).
- Their survival is threatened (the owner has contacted a tree surgeon regarding the felling of the trees).

2.2 The publicity period for this order expires on 14th November.

2.3 Ten objections have been received on the following grounds:

- the present and potential size of the trees
- unsuitability of the species,
- proximity to houses,
- effects of roots on foundations, driveway and adjacent footway, nuisance from debris
- obstructing natural light/ excessive shading, street light is obscured
- potential for causing damage or injury to vehicles and pedestrians
- management issues- pruning trees re-invigorates growth; the canopies of both trees are intertwined.

3.0 Appraisal

3.1 For the reasons set out at 2.1 the trees are of significant amenity value.

3.2 The present and potential height of the trees is not linked to any particular problems. The tree canopies could be reduced should they cause obstruction or damage to property, or to alleviate unacceptable overshadowing, subject to the work being approved..

3.3 Direct tree root damage to foundations is rare as root growth typically takes the line of least resistance. There is no evidence of damage to the driveway. Whilst there is, localised unevenness in the footway adjacent to the trees, this has not been raised by Transportation as a safety issue.

3.4 There is no evidence of damage to vehicles. The trees appear to be in good condition, and are estimated to have a life expectancy in excess of 40 years. The common duty of care to any third party implied by being the owner of a tree is unaltered by the existence

of a Tree Preservation Order. It is expected that a responsible tree owner will undertake regular inspections of their trees and take reasonable steps to reduce risk. If there is evidence that the trees have become a risk, an application for remedial works would be approved.

3.5 Minor nuisance associated with debris shed from the trees does not outweigh the desirability of protecting these trees for their substantial amenity value.

3.6 Good arboricultural practice could overcome the problems identified.

4.0 Legal implications

4.1 The local planning authority may, in the interests of amenity, make provision for the preservation of trees by the making of a Tree Preservation Order. Orders take effect immediately but need to be confirmed within six months or else they lapse. (KR/2102013/XY)

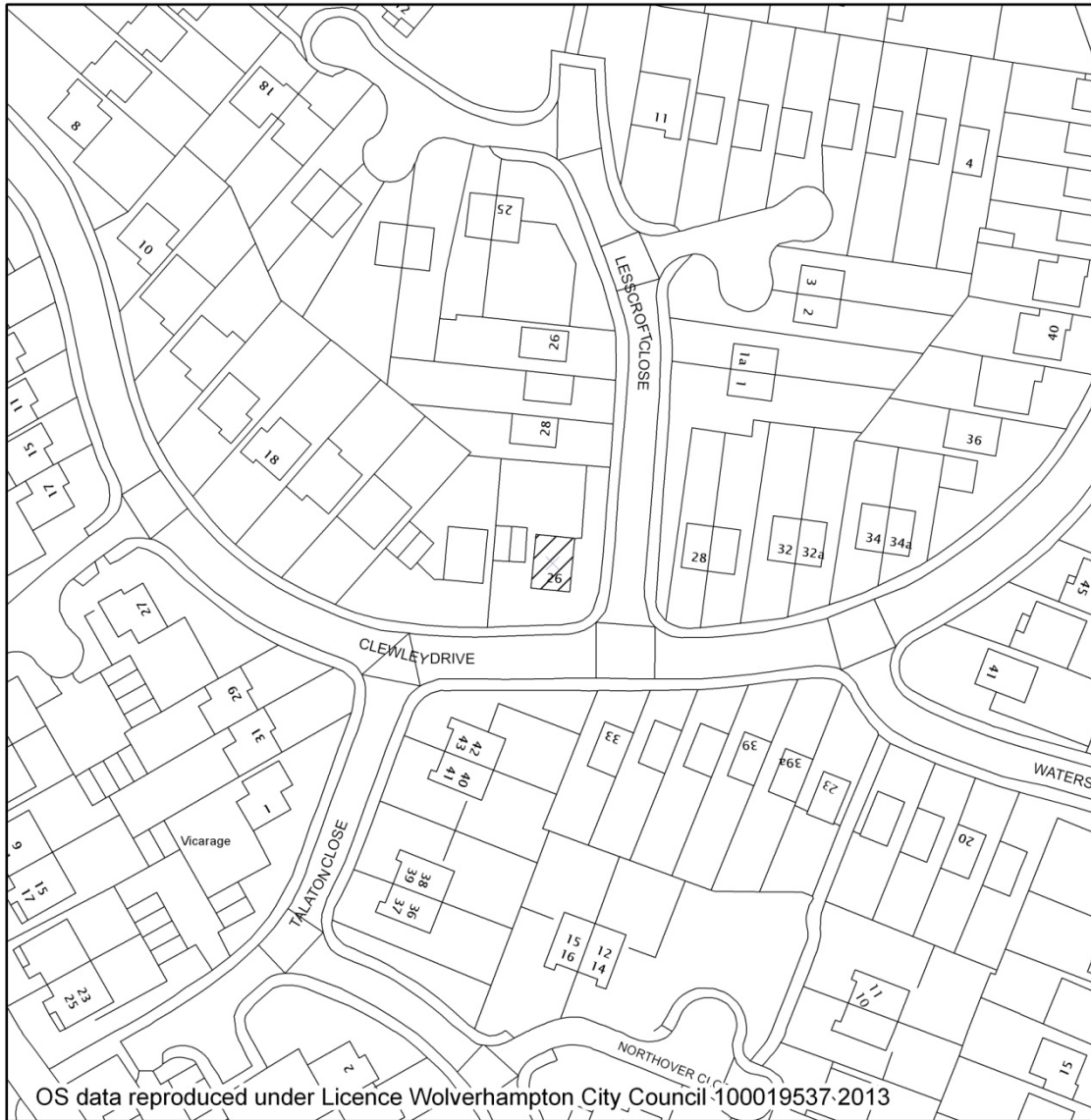
5.0 Environmental implications

5.1 The trees are of significant amenity value and the confirmation of the tree preservation order would ensure their continued protection and control over their management.

6.0 Conclusion

6.1 The trees are of significant amenity value and should continue to be protected by the Wolverhampton City Council (26 Clewley Drive)(No. 2) Tree Preservation Order, 2013.

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