



# Planning Committee

1 April 2014

**Time** 2.00pm  
Regulatory

**Public meeting?** YES

**Type of meeting**

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

**Room** Committee Room three (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

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  
**Tel** 01902 555048  
**Email** [john.wright@wolverhampton.gov.uk](mailto:john.wright@wolverhampton.gov.uk)  
**Address** Democratic Support, Civic Centre, 2<sup>nd</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

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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 (4 March 2014)**  
          [For approval]
4.        **Matters arising**  
          [To consider any matters arising from the minutes]

### DECISION ITEMS

5.        **Planning Application 14/00026/FUL Land to the rear of 216 Compton Road Wolverhampton**  
          [To determine the application]
6.        **Planning Application 13/01172/FUL 92 Trysull Road Wolverhampton**  
          [To determine the application]
7.        **Planning Application 14/00122/FUL New Cross Hospital Wolverhampton**  
          [To determine the application]
8.        **Planning Application 14/00083/OUT New Cross Car Park, Wolverhampton Road Wolverhampton**  
          [To determine the application]
- 9         **Planning Application 14/00242/OUT 45 Rookery Road Wolverhampton and land to the rear**  
          [To determine the application]
- 10       **Planning Application 14/00068/OUT Land adjacent to Sunnyside, Taylor Road Wolverhampton**

[To determine the application]

- 11 **Planning Application 14/00109/FUL Wolverhampton Cricket Club,  
Danescourt Road Wolverhampton**

[To determine the application]

- 12 **Planning Application 14/00002/TPO 9 Pentland Gardens Wolverhampton**

[To determine the application]



# Planning Committee

## Minutes – 4 March 2014

### Attendance

#### Members of the Committee

Cllr Linda Leach (Chair)	Cllr Matthew Holdcroft
Cllr Harman Banger (Vice Chair)	Cllr Keith Inston
Cllr Claire Darke	Cllr John Rowley
Cllr Malcolm Gwinnett	Cllr Mrs Wendy Thompson
Cllr Michael Hardacre	Cllr Bert Turner
Cllr Julie Hodgkiss	Cllr Jonathan Yardley

#### Staff

Stephen Alexander	Head of Planning
Andy Carter	Planning Officer
Martyn Gregory	Section Leader
Nussarat Malik	Planning Officer
Lorraine Moses-Copeman	Senior Solicitor
Marianne Page	Section Leader – Transportation
John Wright	Democratic Support Manager

### Apologies

No apologies for absence were received

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

*Item No.*      *Title*

### MEETING BUSINESS ITEMS

#### 1.            **Declarations of interest**

Councillor Gwinnett declared a non pecuniary interest in agenda item 9 Planning Application 13/01262/FUL Former Sunbeam Factory, Paul Street, Wolverhampton as he knew the applicant.

Councillor Holdcroft declared a non pecuniary interest in agenda item 7 Planning Application 13/01231/FUL 59 Stubby Lane Wolverhampton as he knew the applicant.

Councillor Leach declared a non pecuniary interest in agenda item 6 Planning Application 14/00015/FUL 7 Rookwood Drive, Wightwick, Wolverhampton as she knew one of the residents of the street.

2. **Minutes of the previous meeting**

Resolved:-

That the minutes of the meeting held on 4 February 2014 be approved as a correct record and signed by the Chair.

3. **Matters arising**

There were no matters arising.

**DECISION ITEMS**

4 **Planning Application 13/01248/FUL 69 Mount Road, Penn Wolverhampton**

The Head of Planning reported receipt of amended plans which reduced the overall height of the proposed building by 20 centimetres.

Mr Gough spoke in opposition to the application.

A Councillor asked questions about the provision of on -site parking spaces and was informed that they were considered to be adequate.

Resolved

That planning application 13/01248/FUL be granted, subject to any appropriate conditions including:

- Submission of materials.
- Landscaping

5 **Planning Application 14/00015/FUL 7 Rookwood Drive, Wightwick, Wolverhampton**

The Section Leader reported an update to the recommendations regarding the inclusion of an additional reason for refusal relating to the loss of amenity space.

Mrs Squire spoke in opposition to the application.

Mr Quince spoke in support of the application.

Councillors expressed their opposition to the application which was felt to be overdevelopment.

Resolved

That planning application 14/00015/FUL be refused for the following reason:

1. The proposed extensions would, by reason of their height/bulk and position relative to the garden/house at 8 Rookwood Drive having an overbearing effect on the outlook presently enjoyed from the rear garden and house at No 8 Rookwood Drive, and therefore is contrary to UDP Policies: D7, D8, D9 and ENV3
2. The proposed extensions would by reason of their scale, lead to an overdevelopment of the site, providing inadequate useable amenity space for this enlarged detached dwelling and is therefore contrary to UDP Policies: D4,H6 and BCCS: ENV3.

**6 Planning Application 13/01231/FUL 59 Stubby Lane Wolverhampton**

Having declared an interest Councillor Holdcroft left the meeting and took no part in the consideration of the application.

Councillor Gakhil spoke in opposition to the application.

Councillors expressed concerns that if approved that application would generate additional parking problems and have a detrimental effect on nearby residential properties. Councillors noted that substantial number of local residents who were opposed to the application

Resolved

That planning application 13/01231/FUL be refused for the following reasons

The proposed hot-food takeaway use would be detrimental to residential amenity by virtue of additional noise disturbance from the additional vehicular traffic and pedestrian activity generated by the use particularly during unsociable hours would therefore be detrimental to the neighbouring properties. The proposal is contrary to the provisions of the Councils Unitary Development Plan, policies UDP B5, EP1, EP5 and SH14.

**7 Planning Application 13/01125/FUL Block 10 – Land at junction of Victoria Square and Railway Drive Wolverhampton**

The Planning Officer reported that an additional condition would be proposed relating to the details of how overhead wires for the Metro would be attached to the building.

Mr Gee spoke in support of the application.

Councillors welcomed the application and considered it would constitute an important development in the regeneration of the City.

Resolved

That planning application 12/01225/FUL be granted, subject to any appropriate conditions including:

- Materials to be submitted prior to above ground works

- External landscaping details to be submitted prior to above ground works
- Floorspace restriction setting out the maximum areas for each use class (A1/A2/A3/A4 and A5)
- Details of shop fronts prior to occupation
- Details of internal floor layouts prior to occupation
- Noise levels for plant and ventilation
- Construction Method Statement prior to commencement of development
- Hours of construction: 0800 to 1800 hrs Mondays to Fridays, and 0800 to 1300 hrs Saturdays, and at no time on Sundays or Bank and Public Holidays
- Covered cycle parking details prior to above ground works
- Targeted recruitment and training
- Fixing details for overhead Metro lines

8 **Planning Application 13/01262/FUL Former Sunbeam Factory, Paul Street, Wolverhampton**

Having declared an interest Councillor Gwinnett left the meeting and took no part in the consideration of the application.

The Planning Officer reported an amendment to one of the proposed conditions to correct the name of the street which would be subject of traffic calming.

Councillors welcomed the application and the redevelopment of a building which had been vacant for a number of years. A Councillor suggested that public art representing the history of the site be provided on open space next to the ring road.

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/01262/FUL subject to:

- (i) The findings of the District Valuer the applicant entering into a Section 106 Agreement for the following:
  - Affordable housing at 25%
  - Off-site open space and play - £286,697
  - 10% Renewable energy
  - Public Art
- (ii) If the development is not fully financially viable:

A reduction in Section 106 requirements commensurate with the shortfall in viability of a pro-rata basis for all dwellings that are ready for occupation within 3 years of the date that a lack of viability is established, with the full (pro-rata) requirement falling on all dwellings that are not ready for occupation by that date
- (iii) Any appropriate conditions including:
  - Materials;
  - Window details;
  - Temporary window/facade covering details;

- Cycle and motorcycle storage;
- Bin stores;
- Residential travel plan
- Landscaping
- Car Park Management Plan
- Provision of car park spaces in relation to phased apartment delivery
- Traffic calming measures on Paul Street
- Traffic regulation order for one way system
- Amendment of existing traffic regulation orders
- Land contamination
- Details of multi-use games area
- Targeted recruitment and training





# Planning Committee

1 April 2014

<b>Planning application no.</b>	14/00026/FUL
<b>Site</b>	Land at the rear of 216 Compton Road, Wolverhampton
<b>Proposal</b>	Erection of a five bedroomed detached house and double garage (amendment to previously approved application 11/00821/FUL)
<b>Ward</b>	Park
<b>Applicant</b>	Mr Ian Muscat
<b>Agent</b>	Mr Dave Truran
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable 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 Delegated authority to the Strategic Director for Education and Enterprise to grant planning permission subject to satisfactory updated engineers report.

## 2. Application site

- 2.1 The site was originally part of the garden land to 216 Compton Road, which has now been subdivided, and sold to the applicant for development purposes.
- 2.2 The surrounding area is predominantly residential with a mixture of dwellings, north, east, south and west of the site. This land originally formed part of the garden land to 216 Compton Road, which was larger than average wrapping around the rear of the neighbouring property at 218 Compton Road. The site is accessed from Ross Close north of the site. The site is prone to flash flooding, although it is not within a flood zone.

## 3. Application Details

- 3.1 This application follows a previous planning application which was considered by Planning Committee on 3 January 2012. The application was for the

erection of a four bedroomed dwelling with detached garage, and vehicular access from Ross Close. The application was granted subject to conditions.

- 3.2 The site has now been sold to Mr Muscat, the applicant for this proposal. Mr Muscat would like to amend the approved scheme, by raising the ridge height to incorporate a bedroom into the attic area, with the provision of dormer windows, and a third floor gable end window. The proposal also incorporates some changes to the front façade with a slightly higher ridge height to the feature gable frontage, window design and the insertion of a canopy.
- 3.3 The ridge height has increased from 7.9m to 8m. The feature gable ridge height has risen from 7m to 7.4m. The insertion of a proposed third floor side facing window to the northern elevation is to be obscurely glazed and would accommodate an ensuite bathroom. The rear facing dormer would provide a landing area and the window is also to be obscurely glazed, the east facing (front) dormer windows are to the additional bedroom.
- 3.4 The footprint of the dwelling and detached garage remain as originally approved, along with the mitigation measures in respect of the surface water flooding issues on site.

#### **4 Planning History**

- 4.1 A/C/1916/78 for extension to rear of house – Granted 7/9/1978  
A/C/0953/81 for construction of bungalow – Refused 19/10/81  
A/C/0062/82 for erection of one bungalow – Refused 22/2/1982 Allowed at Appeal  
11/00821/FUL for the erection of a four bedroom detached dwelling and detached garage – Granted 9<sup>th</sup> January 2012.

#### **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 regulations is required.

#### **7. Publicity**

- 7.1 Four representations received, with one request to speak at Planning Committee. Objections are as follows:
  - Access from Ross Close unsuitable, during and after development.

- Flooding Issues.
- Child Safety due to increased level of traffic to Ross Close.
- Insufficient level of parking.
- Out of Character with surrounding development.
- Out of Character with the surrounding area.
- Massing and Appearance visually unappealing and overbearing, being out of scale and character.
- Loss of privacy due to the dormer and third floor windows
- Mitigation measures include works to land outside the ownership of the applicant, and therefore, difficult to provide without a Legal Agreement.
- Engineering Report inadequate, as does not take into account neighbouring properties, and recent flooding.
- Insufficient level of information justifying the enlargement of the approved dwelling house
- Maintenance issues between boundaries

## **8. Internal Consultees**

8.1 Environmental Services – Operational hours during construction, in order to limit the potential for complaint.

8.2 Transport – No objections

## **9. External Consultees**

9.1 Severn Trent – No objection subject to standard condition.

## **10. Legal Implications**

10.1 There are no legal implications arising from this report (LD/18032014/B)

## **11. Appraisal**

11.1 The key issues area:-

- Design
- Neighbouring Amenities
- Layout (garden and parking)
- Flooding

11.2 Design

The dwellings surrounding the site are of varied designs. The proposed design changes to the previously approved scheme are still considered to be in keeping with the surrounding development, whilst adding a little more interest to what was previously considered to be a simple design. Therefore, subject to conditions of materials, the proposed changes are considered to be compliant with UDP Policies D4, D6, D7, D8, D9 and BCCS ENV3.

### 11.3 Neighbouring Amenities

Initially there was some concern regarding the neighbouring amenities, especially in light of the additional roof height, the size of the dormers, and direct overlooking from the additional side facing window to the southern elevation. However, during the assessment process, and in light of neighbours' concerns, the applicant has amended the proposal, by reducing the overall roof height, redesigning the proposed dormer window, to decrease their massing, and removed one of the proposed attic rooms (study/bedroom six) and the associated side facing gable window, to remove any perceived loss of privacy.

11.4 The amended scheme is now considered to be acceptable, having no significant impact on neighbouring amenities, such as outlook, light, sunlight and privacy, and therefore, compliant with UDP Policies D7, D8, D9 and BCCS Policy ENV3.

### 11.5 Layout

Following the changes at stated in 11.3 the proposal would now increase the dwelling size from four bedrooms to five. There is no proposed change to the originally approved footprint of the dwelling, therefore, it is considered that the garden size and parking facilities would be sufficient to support the additional living accommodation proposed. Any decision would also be conditioned to remove permitted development rights, to ensure that the level of amenity and parking is sufficient to support the size of the accommodation. Therefore the proposal is compliant with UDP Policies AM12, and D4.

### 11.6 Flooding

The flash flooding which occurs on the Compton Road and flows across this and other adjacent residential properties, was considered as part of the previous approval, where an Engineer's Report from "Sanderson", recommended mitigation measures. Severn Trent has raised no objections to that proposal, and the recommended mitigation measures.

11.7 This proposal includes the same report, as previously submitted/approved, and proposes to provide the same mitigation measures. However, in light of the most recent flash flooding of the site and increasing rain fall levels, an updated report has been requested, in order to establish whether any additional measures are necessary.

11.8 Therefore, subject to satisfactory updated report and subject to conditions requiring the implementation of mitigation measures, the proposed development is considered to be consistent with UDP Policy EP9, and BCCS Policy ENV5.

## 12. Conclusion

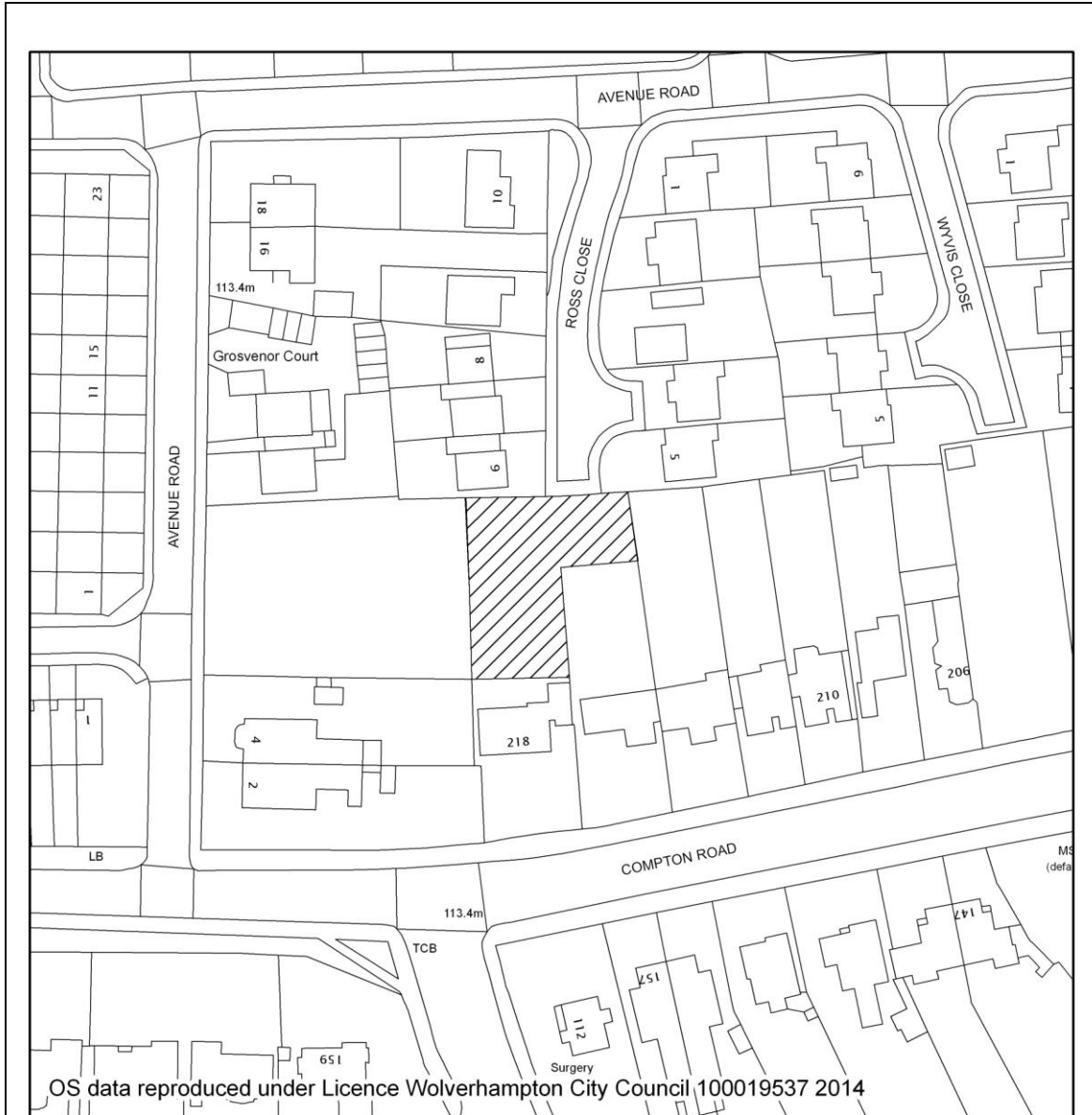
12.1 The nature of this site has already been considered appropriate for residential development at approved on the previous scheme, with flooding mitigation measures, in light of the issues with respect to flash flooding. The proposed changes to the design and layout now proposed are considered to be

appropriate with no significant detriment, to the character or appearance of the proposed dwelling or the surrounding area, and with no significant impact to neighbouring amenities.

- 12.2 Therefore, subject to conditions, and certain restrictions via the removal of permitted development rights the proposed scheme is compliant with UDP Policies H6, D4, D6, D7, D8, D9, D11, D12, D13, AM12, AM15, N7, N9, EP9 and BCCS ENV3, ENV5, PPS1 and PPS3.

### 13 **Detailed Recommendation**

- 13.1 That the Strategic Director for Education and Enterprise be given delegated authority to grant planning application 14/00026/FUL subject to receipt of satisfactory updated engineers report any appropriate conditions to include:
- Drainage (including surface water) scheme to be implemented prior to occupation
  - Removal of permitted development rights for side/rear (south/West) facing windows
  - Removal of permitted development rights for extensions and outbuildings
  - Tree Protection including boundary hedge



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# Planning Committee

1 April 2014

<b>Planning application no.</b>	13/01172/FUL
<b>Site</b>	92 Trysull Road
<b>Proposal</b>	Change of use from retail to children's day nursery (use class D1)
<b>Ward</b>	Merry Hill
<b>Applicant</b>	Banana Moon Day Nursery Ltd
<b>Agent</b>	Mr Joel Hancock
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Education and Enterprise
<b>Planning officer</b>	Name Mark Elliot Tel 01902 555648 Email Mark.elliott@wolverhampton.gov.uk

## 1. Summary Recommendation

1.1 Grant subject to conditions

## 2. Application site

2.1 The site comprises 92 Trysull Road, a single storey detached retail unit. The premise has been vacant since July 2013.

2.2 The building is positioned to the front of the site with a car park to the rear which is accessed from Trysull Road and contains several unoccupied garages. There is also provision for parking to the front of the building. The surrounding area is predominantly residential.

## 3. Application Details

3.1 It is proposed to change the use of the existing building from retail to a children's nursery that could accommodate up to sixty-six children. The proposed use would provide up to fifteen full time and ten part time jobs.

3.2 The building would be accessed from the rear with the doors to the front of the building to be only used as a means of an emergency escape.

- 3.3 An outdoor play area is proposed to the rear of the building.
- 3.3 The proposed hours of opening would be 07.30 to 18.30 hours Monday to Friday.
- 3.4 The application has been supported by a Transport Statement.

#### **4. Relevant Policy Documents**

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 4.3 Supplementary Planning Guidance Note 9 'Day Nurseries'

#### **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 Four letters of objection and a petition containing twenty-eight signatures opposing the proposal can be summarised as follows;
  - Inadequate vehicle access and parking provision
  - Adverse impact on highway safety and pedestrian safety
  - Increased traffic congestion and parking on surrounding streets
  - Noise disturbance
  - Loss of retail unit

#### **7. Internal Consultees**

- 7.1 Transportation – No objection
- 7.2 Environmental Health – No objection

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

- 8.1 There are no legal implications arising from this report (LD/18032014/A).

#### **9. Appraisal**

- 9.1 The key issues are:-



- Loss of retail unit
- Highway safety
- Noise and disturbance

9.2 Loss of retail unit

The site is in proximity to the Bradmore Local Centre and therefore the loss of a retail unit would not harm people's accessibility to nearby convenience facilities. The premise has been vacant since July 2013 and the change of use would bring the building back into an active use providing investment and job opportunities. The proposed loss of the retail unit is acceptable.

9.3 Highway safety

The proposal provides adequate parking facilities to the front and rear of the premises. Staff parking would be restricted to the front of the building with parking to the rear for customers. Although the access drive to the rear car park is narrow it is wide enough to allow two vehicles to pass. The proposal and accompanying Transport Statement satisfactorily demonstrates that the proposed use would not have a significant impact on highway safety.

9.4 Noise and disturbance

Objections have been made to the proposal on grounds of noise disturbance from children using the outdoor play space. It is stated that the space would generally only be used in the summer months and by no more than twelve children at any one time. The proposed use would therefore not have a significant impact on amenity in terms of noise disturbance.

**10. Conclusion**

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

**11 Detailed Recommendation**

11.1 That planning application 13/01172/FUL be granted, subject to any appropriate conditions including:

- Hours of use
- Signage for staff parking to front of building
- No more than 12 children playing outside at any one time
- Site investigation to rear of site only.



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# Planning Committee

1 April 2014

<b>Planning application no.</b>	14/00122/FUL
<b>Site</b>	New Cross Hospital, Wolverhampton Road
<b>Proposal</b>	Erection of a four storey Emergency Centre and associated demolition works
<b>Ward</b>	Heath Town
<b>Applicant</b>	Royal Wolverhampton NHS Trust
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Education and Enterprise
<b>Planning officer</b>	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

## 1. Summary Recommendation

1.1 Grant subject to conditions.

## 2. Application site

2.1 The development site is located within the existing New Cross Hospital site, on land previously used as a surface car park, late Victorian era ward block, ambulance entrance, and catering building. Adjacent to the site are the Heart and Lung Centre and the Ambulatory medical unit.

## 3. Application Details

3.1 The proposed building would be four storeys in height delivering a new Emergency Centre for the hospital. An area of public realm would be provided in front of the main public entrance to the facility, with outdoor seating and soft landscaping. The building would have a central glazed void to allow daylight into the ground floor.

3.2 Vehicular access would be in the form of a six bay drop-off facility via the main hospital circulatory road. Ambulance drop-off would be from the secondary circulatory road running between the Heart and Lung Centre and the site.

#### **4 Planning History**

- 4.1 08/00696/OUT Hybrid Full/Outline Application for redevelopment of New Cross Hospital and new residential development on two sites one located to the north-east of the Hospital site and one located on the west of the campus. Granted 1 Dec 2010.

#### **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 Heathfield Park Neighbourhood Plan (emerging)

#### **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 regulations is required.

#### **7. Publicity**

- 7.1 No responses have been received.

#### **8. Internal Consultees**

- 8.1 Transportation & Environmental Services – No objection

#### **9. Legal Implications**

- 9.1 There are no legal implications arising from this report (LD/19032014/A)

#### **10. Appraisal**

- 10.1 The key issues are:-

- Design
- Transport

#### 10.2 Design

The height of the proposed building would be consistent with the heights of those adjacent, which vary between two and four storey. The scale and mass of the emergency centre would complement the adjacent structures whilst having a presence in its own right. The proposed aluminium cladding system and use of coloured panels would introduce visual interest.

- 10.3 The area of public realm on the east elevation of the building would give the emergency centre a human scale, setting back the mass from the road, and enhancing the

pedestrian gateway to the main entrance. A double height, glazed public entrance is proposed to allow maximum daylight into the reception and waiting area.

10.4 The proposals are consistent and compliant with UDP policy C6 and D9.

10.5 Transportation

The location of the emergency centre would result in the loss of 135 staff parking spaces. However the recent construction of the multi-storey car park on the east side of the hospital circulatory road, and the recent provision of temporary surface car parks has offset this loss.

10.6 Cycle parking is proposed at the front of the building. The proposed main entrance is also within a short walk of the bus stop on the hospital circulatory road. The proposals are consistent and compliant with policy C6 of the UDP.

## 11. Conclusion

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

## 12. Detailed Recommendation

12.1 That planning application 14/00122/FUL be granted subject to any appropriate conditions including:

- Materials;
- Cycle storage;
- Landscaping;
- Targeted recruitment and training;
- Construction Method Statement;
- Hours of operation during construction;
- 10% renewable energy;
- Road markings for drop-off facility and hospital circulatory route



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# Planning Committee

1 April 2014

<b>Planning application no.</b>	14/00083/OUT
<b>Site</b>	New Cross Car Park, Wolverhampton Road
<b>Proposal</b>	Outline Application – Construction of a Medium Secure Unit and a block of 15 apartments with all matters reserved except for ‘access’
<b>Ward</b>	Wednesfield South
<b>Applicant</b>	Marantomark Group Ltd
<b>Agent</b>	DWA Architects Ltd
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Education and Enterprise
<b>Planning officer</b>	Name Ragbir Sahota Tel 01902 555616 Email Ragbir.sahota@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Grant subject to conditions.

## 2. Application Site

- 2.1 The application site is opposite New Cross Hospital and is situated between Wolverhampton Road and the Wyrley and Essington Canal. It is currently used as a “pay-and-display” public car park.
- 2.2 A listed barn used to occupy part of the site but it was demolished following a fire. A former curtilage listed building has been de-listed by English Heritage.
- 2.3 To the east of the site are commercial premises and to the west, a path leading to a footbridge over the canal. On the opposite side of the canal is the Bentley Bridge Leisure Park.
- 2.4 There are numerous protected trees adjacent to the southern, western and northern site boundaries. On part of the boundary with Wolverhampton Road is a low brick wall with decorative railings.

## 3. Application Details

- 3.1 This is an outline application with all matters except for access reserved for subsequent approval.
- 3.2 The application is for a 20 person medium secure residential unit (Use Class C2A) and an apartment block (Use Class C3). Indicative drawings have been provided for information only and not for determination. They indicate a 3 storey development.
- 3.3 The medium secure residential unit would “provide independent hospital care to people with mental health disorders who require a more secure facility to undergo treatment and rehabilitation”. The application states that 60 full time equivalent jobs would be created.
- 3.4 A block of 15 apartments is proposed (8 with one bedroom and 7 with two). The application states that the apartments may be occupied by former residents of the medium secure unit, who can be offered support as they return to the community. However, the application also states that the apartments may be used as “key worker accommodation for the unit and local health authority as required”.

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

- 4.1 12/01486/FUL –Use as a car park. Granted 25 October 2013.
- 4.2 06/0599/FP - Residential development. Granted 9 November 2006.

#### **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 regulations is required.

#### **7 Publicity**

- 7.1 A total of ten letters have been received objecting to; loss of car park; increased vehicles on already congested side streets; concern that occupiers may threaten personal safety.

#### **8. Internal Consultees**

- 8.1 Environmental Health & Transportation – No objection.



## **9. Legal Implications**

9.1 There are no legal implications arising from this report. (LD/18032014/C)

## **10. Appraisal**

10.1 Although not specifically identified for development within the UDP, the site is in a sustainable location and so apartments are acceptable in principle.

10.2 While not submitted for determination, the illustrative drawings show that a development of this scale could be accommodated on the site.

10.3 Some local residents have expressed the fear that residents of the medium secure unit may pose a risk. They cite incidents which have occurred at New Cross Hospital. The applicants state that residents' movements would be restricted and they will not be allowed outside the building without being attended by care staff and/or their visitors/relatives.

10.4 Access is included for determination at this stage. The access details shown are acceptable.

10.5 There are many protected trees on the site. The illustrative layout demonstrates that the site could be developed without unacceptable detriment. The actual impact on trees would be determined at the reserved matters stage.

10.6 The car park is open to the public and is used by visitors to the hospital. However, it is not owned or operated by the Hospital and there is no requirement for it to be made available to Hospital visitors.

10.7 The NPPF introduces a presumption in favour of sustainable development and states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal would represent sustainable development, would improve the appearance of this prominent site, provide a socially necessary facility and create jobs.

10.8 In accordance with the development plan, a S106 agreement is required to secure:

- Public open space contribution (for the residents of the apartments)
- 25% of the apartments to be affordable
- 5% renewable energy (whole development)
- Targetted recruitment and training

## **11. Conclusion**

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

## 12. Detailed Recommendation

13.1 That planning application 14/00083/OUT be granted, subject to:

1) Completion of a S106 Agreement to secure:

- Public open space contribution (for the residents of the apartments)
- 25% of the apartments to be affordable
- 5% renewable energy (whole development)
- Targeted recruitment and training

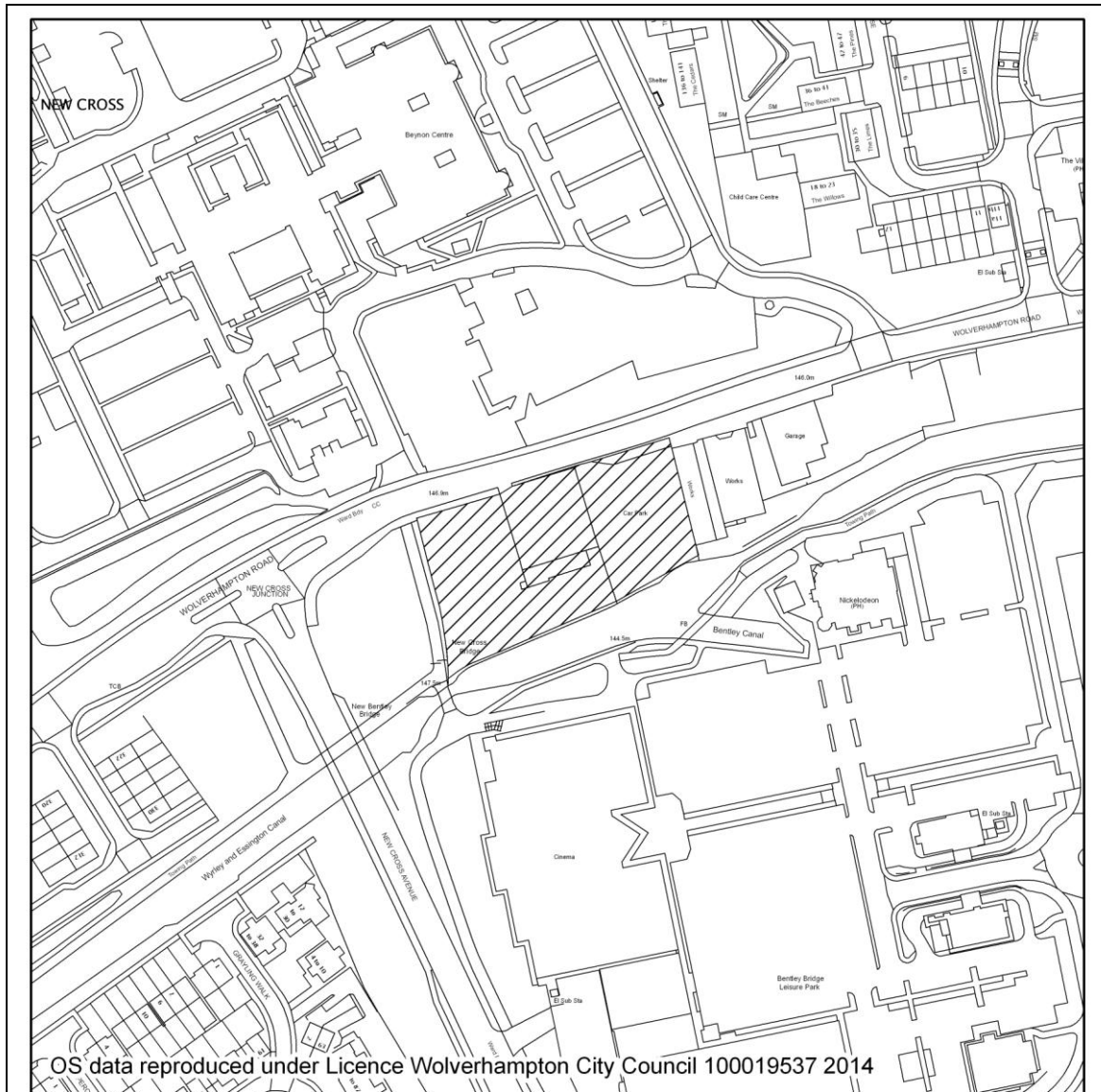
2) Any appropriate conditions including:

- Standard outline conditions
- Drainage
- Levels
- Site waste management plan
- Construction management plan (including hours of construction)
- Landscaping implementation
- Contaminated land remediation
- Control of cooking odour control and ventilation (Medium Secure Unit kitchen only)
- Tree protection measures
- Retention of decorative railings
- Floor plans
- Vehicular pedestrian and visibility splays

Notes for Information

Mining Advice Area

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



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# Planning Committee

1 April 2014

<b>Planning application no.</b>	14/00242/OUT
<b>Site</b>	45 Rookery Road and land to the rear
<b>Proposal</b>	Outline for residential development with all matters reserved
<b>Ward</b>	Spring Vale
<b>Applicant</b>	Mr M Howell
<b>Agent</b>	Mr J Sedgemore
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Education and Enterprise
<b>Planning officer</b>	Name Mark Elliot Tel 01902 555648 Email mark.elliott@wolverhampton.gov.uk

## 1. Summary Recommendation

- 1.1 Delegated authority to grant subject to signing of a Section 106 agreement and conditions

## 2. Application site

- 2.1 The site comprises 45 Rookery Road and an area of undeveloped land to the rear of 29 to 45. It slopes upwards from east to west. At the highest point there is an electricity pylon with its lines extending easterly across the site.
- 2.2 The existing access is from Bayliss Avenue, a narrow residential cul-de-sac off Rookery Road.
- 2.3 There is a larger open space to the south of the site which has an extant outline planning consent for a care home.

## 3. Application Details

- 3.1 Outline planning permission is sought for residential development with all matters reserved. Three illustrative access points have been detailed from Brynmawr Road, Woodcross Lane and Bayliss Avenue.

- 3.2 On 7 January Planning Committee resolved to refuse application 13/00421/OUT for Residential Development (Outline with 'access' considered) on highway safety grounds due to the intensification of vehicle movements at the junction of Rookery Road and Bayliss Avenue. Permission was refused on 10 January.

#### **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 regulations is required.

#### **6. Publicity**

- 6.1 Two objections have been received which can be summarised as follows;
- Land stability
  - Drainage
  - Increase traffic and parking
  - Loss of privacy

#### **7. Consultees**

- 7.1 Transportation – No objection.
- 7.2 Environmental Services / Severn Trent Water / Coal Authority – No objection subject to conditions.

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

- 8.1 Planning Obligations under S106 of the Town and Country Planning Act 1990 must comply with the following tests, namely, they must be:
- Necessary to make the development acceptable in planning terms.
  - Directly related to the development
  - Fairly and reasonably related in scale and kind to the development.

[KR/19032014/S]

#### **9. Appraisal**

- 9.1 While the site is not identified in the Development Plan for a specific use, the area is predominantly residential and the land to the south benefits from an

unimplemented outline planning permission for a care home, granted in 2012. Residential development would in principle be in keeping with the area and acceptable.

9.2 This is an outline application with all matters (scale, appearance, layout and access) reserved for subsequent approval. The number and type of dwellings is not specified. Access points are shown indicatively and are not for determination at this stage.

9.3 In accordance with the development plan there would be a requirement for:

- Targeted recruitment and training
- 25% affordable housing (15+ dwellings)
- Off-site contribution for open space and play (10+ dwellings)
- 10% renewable energy (10+ dwellings)
- Management company for communal areas

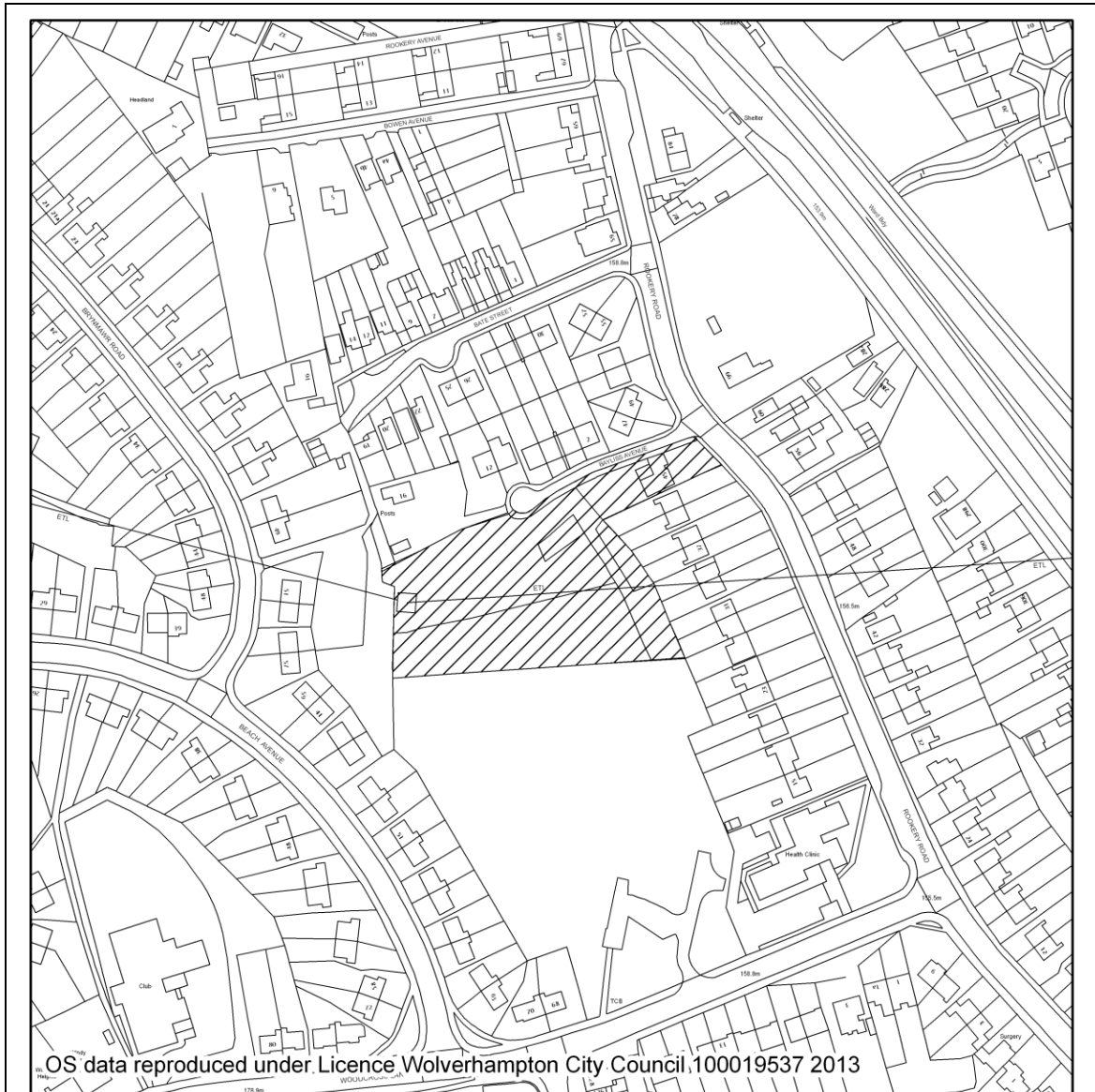
## **10. Conclusion**

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

## **11 Detailed Recommendation**

11.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00242/OUT subject to:

- (i) Completion of a Section 106 agreement to secure;
- Targeted recruitment and training
  - 25% affordable housing (15+ dwellings)
  - Off-site contribution for open space and play (10+ dwellings)
  - 10% renewable energy (10+ dwellings)
  - Management company for communal areas
- (ii) Any necessary conditions to include:
- Standard outline conditions
  - Levels
  - Land contamination
  - Drainage
  - Mining Investigation
  - Resource and waste management plan
  - Measures to mitigate impact on neighbours
  - Floor plans



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# Planning Committee

1 April 2014

<b>Planning application no.</b>	14/00068/OUT
<b>Site</b>	Taylor Road
<b>Proposal</b>	Residential development for 14 houses (outline with 'access' and 'layout' considered)
<b>Ward</b>	Ettingshall
<b>Applicant</b>	Mr M Pritchard
<b>Agent</b>	Mr I Lewis
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Tim Johnson, Education and Enterprise
<b>Planning officer</b>	Name Mark Elliot Tel 01902 555648 Email mark.elliott@wolverhampton.gov.uk

## 1. Summary Recommendation

- 1.1 Delegated authority to grant subject to signing of a Section 106 agreement and conditions.

## 2. Application site

- 2.1 The site comprises an area of undeveloped land at the end of the adopted part of Taylor Road. The house that used to occupy the site was demolished in 2002 following a fire. The site has remained vacant since and has subsequently become vegetated with fairly mature trees along the eastern and western boundaries.
- 2.2 The undeveloped land to the east is identified for employment use and to the north east is an existing large industrial unit. There are three houses to the south and areas of open space to the north and west that divide the site from adjacent dwellings on Taylor Road. The land to the west is identified as a site of Local Importance for Nature Conservation (SLINC).

## 3. Application Details

- 3.1 Outline planning permission is sought for fourteen houses with access and layout for consideration and all other matters reserved.



- 3.2 It is proposed to extend the adopted highway (Taylor Road) into the application site.
- 3.3 Of the fourteen houses 6 would have two bedrooms and 8 would have three. Each house would have two parking spaces.
- 3.4 The application has been supported by an ecological and bat survey, coal mining risk assessment and acoustic survey.

#### **4 Planning History**

- 4.1 10/01120/FUL - Erection of nine houses with associated car parking, landscaping and highway works – Granted 10<sup>th</sup> May 2011.

#### **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 SPG 3 'Residential Development'

#### **6. Environmental Impact Assessment Regulations**

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

#### **7. Publicity**

- 7.1 Eight objections have been received which can be summarised as follows:
- Development may affect stability of existing dwellings due to mining legacy
  - Increased volume of traffic
  - Adversely affect habitats and protected wildlife
  - Would prejudice existing and future employment uses on land adjacent.
  - Over development of the site
  - Increased anti-social behaviour

#### **8. Consultees**

- 8.1 Transportation / Ecology – No objection
- 8.2 Environmental Services – Object - the introduction of residential is likely to result in complaints about noise from neighbouring industry which could result in restrictions being imposed on businesses.

8.3 Coal Authority – No objection subject to condition.

## 9. Legal Implications

9.1 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

9.2 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/19032014/M]

## 10. Appraisal

10.1 The site has an extant planning permission for the erection of nine houses. The principle of residential development on this land has therefore been established. This fallback position, the positive regenerative benefits of the development and possibility of mitigating noise disturbance outweigh the concerns of Environmental Health.

10.2 The proposed layout and access are acceptable.

10.3 The habitat and bat survey satisfactorily demonstrate that the site could be developed without resulting in harm to any protected species or its habitat, subject to conditions.

10.4 In accordance with development plan policies a S106 agreement is required to secure:

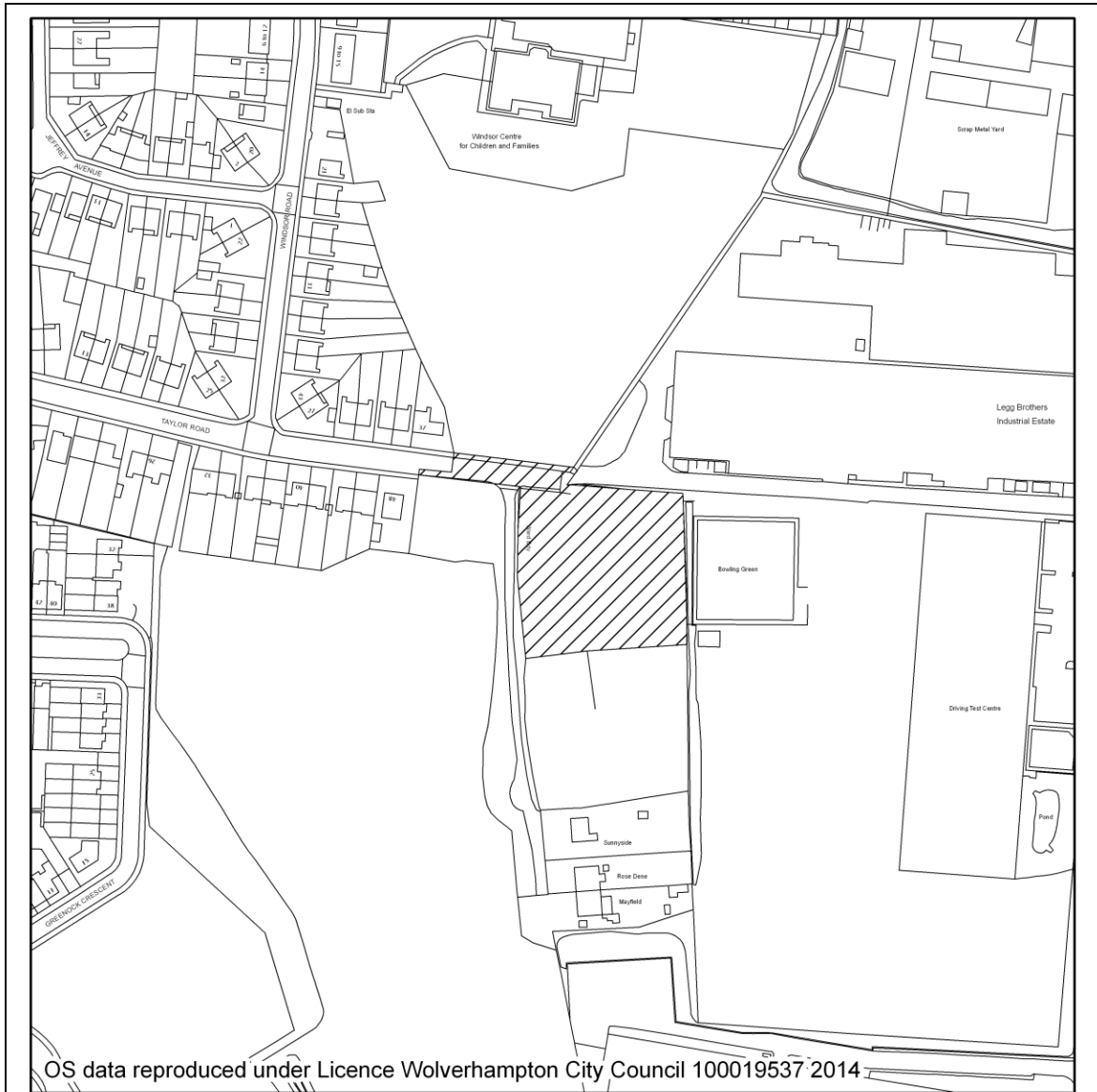
- Targeted recruitment and training
- Off-site contribution for open space and play £65,622
- 10% renewable energy

## 11. Conclusion

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

## **12 Detailed Recommendation**

- 12.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00068/OUT subject to:
- (i) Completion of a Section 106 agreement to secure;
    - Targeted recruitment and training
    - Off-site contribution for open space and play
    - 10% renewable energy
  
  - (ii) Any necessary conditions to include:
    - Standard outline conditions
    - Levels
    - Floor Plans
    - Land contamination
    - Drainage
    - Mining Investigation / Mitigation
    - External lighting
    - Noise survey and remedial measures
    - Vehicular and pedestrian visibility splays
    - Detailed highway design to link the site to Taylor Road
    - Tree root protection measures



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# Planning Committee

1 April 2014

<b>Planning Application No</b>	14/00109/FUL
<b>Site</b>	Wolverhampton Cricket Club, Danescourt Road, Wolverhampton, WV6 9BJ
<b>Proposal</b>	Improvements to existing car park
<b>Ward</b>	Tettenhall Regis
<b>Applicant</b>	Mr Phillip Court, Wolverhampton Cricket Club
<b>Agent</b>	Mr Peter Barnett, PJ Barnett Associates
<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 Ian Holliday Tel 01902 555630 Email <a href="mailto:ian.holliday@wolverhampton.gov.uk">ian.holliday@wolverhampton.gov.uk</a>

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## 1. Summary Recommendation

1.1 Delegated authority to grant subject to conditions.

## 2. Application site

21.1 This application relates to the Cricket Club car park, which is located within the Tettenhall Greens Conservation Area and the Green Belt. Between the car park and Danescourt Road is a belt of trees which are protected by a tree preservation order. While some of the car park is surfaced with tar macadam, the majority is of crushed stone which is in need of repair.

### **3. Application Details**

- 3.1 It is proposed to define the edges of the car park with concrete kerbs, provide drainage to soakaways and resurface the car park with asphalt.

### **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)

A Neighbourhood Plan for the Tettenhall Wards 2014-2016 (NPTW) (at examination stage)

### **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 regulations is required.

### **6. Publicity**

- 6.1 No representations received.

### **7. Legal Implications**

- 7.1 When an application is situate in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under Section 73 of the Act. [KR/19032014/I]

### **8. Appraisal**

- 8.1 Green Belt  
Green Belt serves 5 purposes:
1. to check the unrestricted sprawl of large built-up areas;
  2. to prevent neighbouring towns merging;
  3. to assist in safeguarding the countryside from encroachment;
  4. to preserve the setting and special character of historic towns;
  5. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.2 The proposed car park improvements would not conflict with the purposes of including land in the Green Belt and so would not be inappropriate.

8.3 Trees

It is proposed to re-surface and provide kerbs within the within the root protection zone of protected trees on the site frontage. To avoid harm to the trees the surface within the zone should be permeable, to allow oxygen and water to reach the roots and excavations for the kerbs should not harm the fine roots which are found near to the surface and which are essential for the uptake of oxygen, water and nutrients.

8.4 The plans initially submitted propose an impermeable asphalt surface and deep kerbs within the root protection zones, which would be likely to bring about the premature demise of the trees. However, the agents have shown a willingness to negotiate amended details. Discussions are ongoing regarding the use of permeable asphalt and a shallower kerb within the root protection zone.

8.5 Conservation Area

This part of the conservation area is semi-rural in character. Resurfacing the car park with black, smooth asphalt, with concrete kerbs would introduce a more urban appearance, which would be detrimental to the character and appearance of the conservation area.

8.6 The protected trees make an important contribution to the character and appearance of the conservation area. Their premature demise would be detrimental.

8.7 The tree belt on the site frontage screens the car park to some extent from Danescourt Road. However, there are gaps in the tree belt. Providing that the tree belt is reinforced with new planting and the existing protected trees are safeguarded, then on-balance, taking account of the Cricket Club's desire for a durable car park surface which would be accessible for wheelchair users, the car park improvements would be acceptable.

**9. Conclusion**

9.1 Subject to amended surface and kerb details which would safeguard protected trees and new tree planting on the site frontage, the car park improvements would be in accordance with the development plan and acceptable.

**10. Detailed Recommendation**

10.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00109/FUL subject to receipt of acceptable amended plans/details and any appropriate conditions including:

- Tree protection
- Tree planting



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**Planning Application No:**

Location			
Plan Scale (approx)	1:1250	National Grid Reference	
Plan Printed		Application Site Area	





# Planning Committee

1 April 2014

<b>Report title</b>	Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order (TPO) 2014	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Wards affected</b>	Park	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Andy Fisher	Tree Officer
	Tel	01902 555621
	Email	<a href="mailto:andy.fisher@wolverhampton.gov.uk">andy.fisher@wolverhampton.gov.uk</a>

## Recommendation(s) for action or decision:

The Committee is recommended to:

Confirm the Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order (TPO) 2014.

## **1.0 Purpose**

- 1.1 To consider the confirmation of the Tree Preservation Order to continue the protection of a single pine tree in the garden of 9 Pentland Gardens identified as being of high amenity value and worthy of protection, as per other protected trees in the locality, having regard to an objection received on 27 February 2014.

## **2.0 Background**

- 2.1 A pre-application proposal in respect of a two storey side extension to 9 Pentland Gardens was received 3 February 2014. A survey of the site by the Council's tree officer revealed two Pine trees, one Pine tree adjacent to the property and a larger Pine tree in the rear garden. There was no objection to the removal of the tree adjacent to the property to allow the proposed development. The larger mature Pine in the rear garden is of a high amenity value and visible from Pentland Gardens, The Avenue, Nevis Court and all surrounding properties.
- 2.2 The Tree Officer considered that the Pine tree has high amenity value and merits Tree Preservation Order protection for the following reasons.
- (i) The Pine tree in the rear gardens of 9 Pentland Gardens is of a substantial mature stature and is a prominent feature in the local landscape; being visible from either, the public highway, Pentland Gardens, The Avenue, Nevis Court and is prominent in the shared view of the surrounding locality.
  - (ii) The amenity afforded by this tree is enhanced by its condition: and has an estimated long safe useful life expectancy - in excess of 50 years;
  - (iii) This tree is particularly suitable to the setting, being located to the end of the rear garden sufficiently distant from the property as to be unlikely to be associated with any major structural damage.

- 2.3 It was therefore considered expedient to make an Order to include this tree, which was made and served on 11 February 2014. (T1 on attached plan)

## **3.0 Summary of objections and appraisal**

- 3.1 A letter of objection to the Tree Preservation Order has been received from the purchaser of 9 Pentland Gardens Mr Palminder Sidhu for the following reasons
- 3.2 Concern for the loss of light over the property  
Officers comments: The TPO'd tree is situated in the South West area of the rear garden and will only cast a shadow onto the property in the afternoon. Because of the high canopy of the tree, light will still be able available to penetrate. Another Pine tree approximately 2 metres from the west wall of the house was not included in the Order and may be removed if desired.

- 3.3 Concern for the size of the tree and the risk of root damage  
Officers comments: The house was built in 1977 with the trees being present at this time. Foundations for this house will have taken this into account with Building Regulations and will also be of a greater depth than the 600mm that the feeder roots of this tree will be present at. The closest tree is only 2 metres from the house with no evidence of structural problems having come to light in the recent purchase.
- 3.4 The proximity to any proposed extension/ Compliance with regulations for renovation  
Officers comments: The proposed floor plan extension has already been assessed as acceptable in relation to the protected tree in a pre- application enquiry and would be further clarified by Building Control regulations.
- 3.5 Gutters and Drain Grilles  
Officers comments: If the Pine tree adjacent to the property is removed this will substantially improve the situation. Falling leaves or needles cannot be accepted as a reason for not confirming a Tree Preservation Order.
- 3.6 Enquiry to remove trees  
Officers comments: A TPO check was undertaken for this address in December 2013 which revealed no protected status on any trees at this property. On the 3 February 2014 a pre-application proposal submitted required a site visit by the Council's Tree Officer who identified one Pine tree worthy of protection and one which was not considered for protection.
- 3.7 I would plant alternative trees at the property  
Officers comments: The mature Pine is a fine specimen in the local area with other examples nearby. This tree already enhances the tree-scape of the locality

#### **4.0 Legal implications**

- 4.1 Under section 198 (1) of the Town and Country Planning Act 1990 if the Council, as the local planning authority, consider it to be expedient in the interests of amenity to make provision for the preservation of trees, it may make a Tree Preservation Order. A TPO may prohibit the cutting down, topping, lopping, wilful damage or wilful destruction of trees except with the consent of the Council.
- 4.2 On 6 April, 2012, the Town and Country Planning (Tree Preservation)(England) Regulations 2012 consolidated existing legislation into one new set of regulations. The aim of the regulations is to unify the system and make it easier to use by authorities and tree owners. The general power, in section 198 of the Town and Country Planning Act 1990, to make preservation orders in the interests of amenity, remains unchanged. All orders provide immediate provisional protection that lasts for six months and long-term protection once authorities confirm them after considering any objections or representations. [KR/18032014/N]

## **5.0 Environmental implications**

- 5.1 This Pine tree is a significant feature in the local landscape and contributes to the character of the area.

## **6.0 Conclusion**

- 6.1 The pine tree is of significant amenity value and should continue to be protected by the Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order 2014.

## **7.0 Detailed Recommendation**

- 7.1 That the Strategic Director Education and Enterprise be given delegated authority to confirm the Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order 2014.