



Planning Committee

6 May 2014

Time 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 3 - Civic Centre

Membership

Chair Cllr Linda Leach (Lab)
Vice-chair Cllr Harman Banger (Lab)

Labour

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

Conservative

Cllr Matthew Holdcroft
Cllr Wendy Thompson
Cllr Jonathan Yardley

UKIP

Cllr Malcolm Gwinnett

Quorum for this meeting is four Councillors.

Information for the Public

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

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

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Website <http://wolverhampton.cmis.uk.com/decisionmaking>
Email 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

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of the previous meeting (Pages 1 - 4)
[To approve the minutes of the previous meeting as a correct record] |
| 4 | Matters Arising
[To consider any matters arising] |
| 5 | Planning Application 14/00068/OUT Land adjacent to Sunnyside, Taylor Road Wolverhampton (Pages 5 - 10)
[To determine the application] |
| 6 | Planning Application 14/00053/FUL 1 Waterdale, Wolverhampton (Pages 11 - 14)
[To determine the application] |
| 7 | Planning Application 14/00194/FUL Greenway Road/Bankfield Road Bilston (Pages 15 - 20)
[To determine the application] |
| 8 | Planning Application 13/00763/FUL Former Police Station, Birmingham Road Wolverhampton (Pages 21 - 26)
[To determine the application] |
| 9 | Planning Application 14/00234/FUL The Mitre Public House, Lower Green, Wolverhampton (Pages 27 - 32)
[To determine the application] |
| 10 | Planning Application 14/00190/FUL Former Retail Store and Flat 71 Rooker Avenue Wolverhampton (Pages 33 - 36)
[To determine the application] |
| 11 | Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order (TPO) 2014 (Pages 37 - 42)
[To determine whether to confirm the Tree Preservation Order] |

DECISION ITEM

- | | |
|----|--------------------------------------|
| 12 | Exclusion of Press and Public |
|----|--------------------------------------|

[To pass the following resolution:

That in accordance with Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information on the grounds shown below]

- 13 **Revocation Consent** (Pages 43 - 48) (3)
[To consider the revocation of a Hazardous
Substance Consent]

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Planning Committee

Minutes – 1 April 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
Lisa Del Rio	Senior Solicitor
Mark Elliot	Planning Officer
Andy Fisher	Tree Officer
Ian Holiday	Section Leader
Alan Murphy	Section Leader
Marianne Page	Section Leader – Transportation
John Wright	Democratic Support Manager

Apologies

No apologies for absence were received

Part 1 – items open to the press and public

Item No. *Title*

MEETING BUSINESS ITEMS

1. **Declarations of interest**

Councillor Yardley declared a pecuniary interest in agenda item 7 Planning Application 14/00122/FUL New Cross Hospital Wolverhampton and agenda item 8 Planning Application 14/00083/OUT New Cross Car Park, Wolverhampton Road Wolverhampton as he was employed by the likely contractor for both projects.

2. **Minutes of the previous meeting**

Resolved:-

That the minutes of the meeting held on 4 March 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 14/00026/FUL Land to the rear of 216 Compton Road Wolverhampton**

The Section Leader reported receipt of an engineer's report which was satisfactory.

Councillors expressed concerns of neighbours regarding flooding in the area. The Section Leader explained that the proposed engineering works would provide the necessary mitigation.

Resolved

That planning application 14/00026/FUL be granted subject 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

- 5 **Planning Application 13/01172/FUL 92 Trysull Road Wolverhampton**

Mr Brueton spoke in opposition to the application.

Mr Hancock spoke in support of the application.

Councillors expressed concerns about parking issues and the maintenance and fencing of adjoining land and buildings. The Committee was informed that the on-site parking could be addressed through a condition requiring signage. Any issues that arose relating to traffic and parking on Trysull Road would be assessed once the permission had been implemented.

Resolved

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

- Signage condition

6 Planning Application 14/00122/FUL New Cross Hospital Wolverhampton

Councillor Yardley left the meeting and took no part in the consideration of the application

Councillors expressed support for the application.

Resolved

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.

7 Planning Application 14/00083/OUT New Cross Car Park, Wolverhampton Road Wolverhampton

Councillor Yardley left the meeting and took no part in the consideration of the application

The Committee was advised that the application had been withdrawn from consideration at this meeting

8 Planning Application 14/00242/OUT 45 Rookery Road Wolverhampton and land to the rear

The Planning Officer reported receipt of five additional letters of objection

Mr Smith spoke in opposition to the application.

Mr Sedgemore spoke in support of the application.

Councillors expressed concerns about the application and in particular, the principle of development of the site, access to the site and the loss of open space. There was support for the view that the site should not be developed

Resolved

That Planning Application 14/00242/OUT be refused for the following reasons:

- Principle of residential development on this site
- Poor and inadequate access
- Loss of open space

9 **Planning Application 14/00068/OUT Land adjacent to Sunnyside, Taylor Road Wolverhampton**

Resolved

That consideration of the application be deferred pending a site visit to be held prior to the next meeting of the Committee

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

The Section Leader reported receipt of satisfactory amended plans. He also requested an additional condition relating to drainage.

Councillors expressed support for application.

Resolved

That planning application 14/00109/FUL be granted subject to any appropriate conditions including:

- Tree protection
- Tree planting
- Drainage

11 **Planning Application 14/00002/TPO 9 Pentland Gardens Wolverhampton**

Mr Sidhu spoke in opposition to the application.

Councillors expressed concern that the owner of the site had received a report on the tree which apparently showed that it was unhealthy. The Committee were of the opinion that consideration should be deferred until the viability of the tree had been quantified.

Resolved

That consideration of the application be deferred until the next meeting of the Committee



Planning Committee

6 May 2014

Planning application no.	14/00068/OUT
Site	Sunnyside, Taylor Road
Proposal	Residential development for 14 houses (outline with 'access' and 'layout' considered)
Ward	Ettingshall
Applicant	Mr M Pritchard
Agent	Mr I Lewis
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Phillip Walker Tel 01902 555632 Email phillip.walker@wolverhampton.gov.uk

1. Summary Recommendation

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

2. Introduction

- 2.1 This application was deferred by Planning Committee on 1st April 2014 for a site visit.

3. Application site

- 3.1 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.
- 3.2 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).

4. Application Details

- 4.1 Outline planning permission is sought for fourteen houses with access and layout for consideration and all other matters reserved.
- 4.2 It is proposed to extend the adopted highway (Taylor Road) into the application site.
- 4.3 Of the fourteen houses 6 would have two bedrooms and 8 would have three. Each house would have two car parking spaces.
- 4.4 The application has been supported by an ecological and bat survey, coal mining risk assessment and acoustic survey.

5 Planning History

- 5.1 10/01120/FUL - Erection of nine houses with associated car parking, landscaping and highway works – Granted 10th May 2011.

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 SPG 3 'Residential Development'

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 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

9. Consultees

- 9.1 Transportation / Ecology Trees – No objections.
- 9.2 Environmental Services – Object - the introduction of residential development is likely to result in complaints about noise from neighbouring industry which could result in restrictions being imposed on businesses.
- 9.3 Coal Authority – No objection subject to condition.

10. Legal Implications

- 10.1 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
- 10.2 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/16042014/D.

11. Appraisal

- 11.1 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.
- 11.2 The proposed layout and access are acceptable.
- 11.3 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.
- 11.4 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

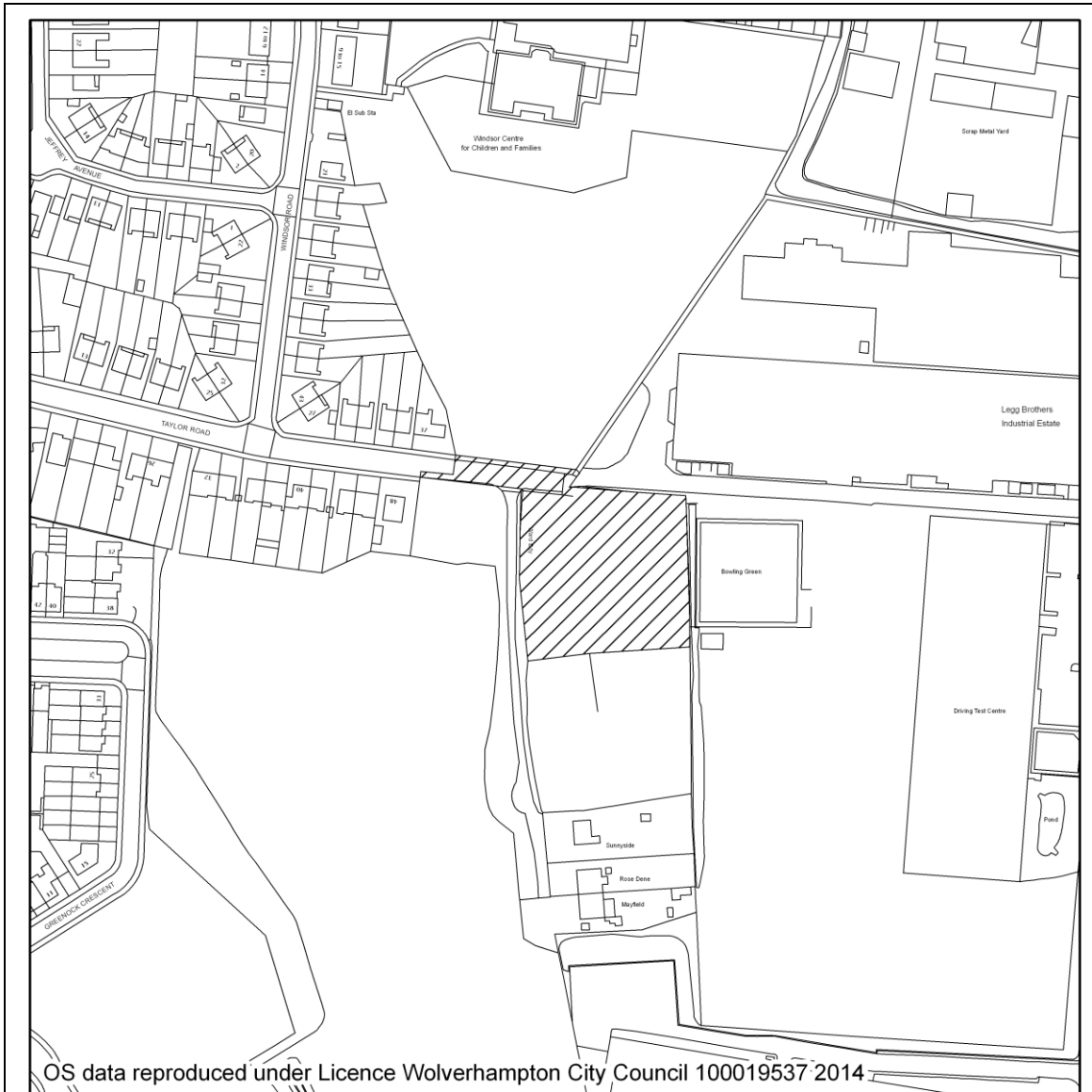
12. Conclusion

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

13 Detailed Recommendation

- 13.1 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

6 May 2014

Planning application no.	14/00053/FUL
Site	1 Water Dale, Compton, Wolverhampton
Proposal	Two storey front/side extension, single storey rear extension and two Juliet balconies. (Amended Plan)
Ward	Park
Applicant	Mr Hermant Thakur
Agent	Mr Anthony Wallett
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Sukwant Grewal Tel 01902 551676 Email Sukwant.grewal@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions

2. Application site

2.1 The application site comprises of a detached property located in a corner location. The north side elevation of the property faces toward the rear garden areas to properties extending along Compton Road. The closest property in Compton Road is approximately 18 metres away from the application site.

2.2 The properties in the near vicinity are predominately detached dwellings of differing size and design with extensive rear gardens.

3. Application Details

3.1 The application proposes to convert the right hand existing garage to study room and build above the garage and entrance hall. To the left hand side there will be a first floor extension which will accommodate dressing rooms and en-suit to the existing bedrooms, the two rear bedrooms will have rear Juliet balconies. The single storey rear extension which will project 5m from the rear of the property, will create dining room and kitchen extension.

3.2 The application has been revised, amended plans have been submitted reducing the overbearing impact of the extension.

4. Relevant Policy Documents

4.1 National Planning Policy Framework (NPPF)

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

4.3 Other relevant policy documents:
Supplementary Planning Guidance No.4 – Extension to houses

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 Three representations received objecting and one requesting to speak at planning committee. The objections can be summarised as follows:-

- Building to the boundary line
- Loss of outlook
- Overshadowing
- Overlooking

7. Legal Implications

7.1 There are no legal implications arising from this report. (LD/14042014/A)

8. Appraisal

8.1 The key issues are: -

- Character and Appearance
- Neighbour amenity

8.2 Character and Appearance

The application has been amended since the receipt of the application. The gap between the property at No.2 Waterdale would still be retained as the proposed first floor side extension has been reduced in width and set back from the front face of the existing dwelling helping to preserve the existing building line and the spacious character of properties which are along Waterdale.

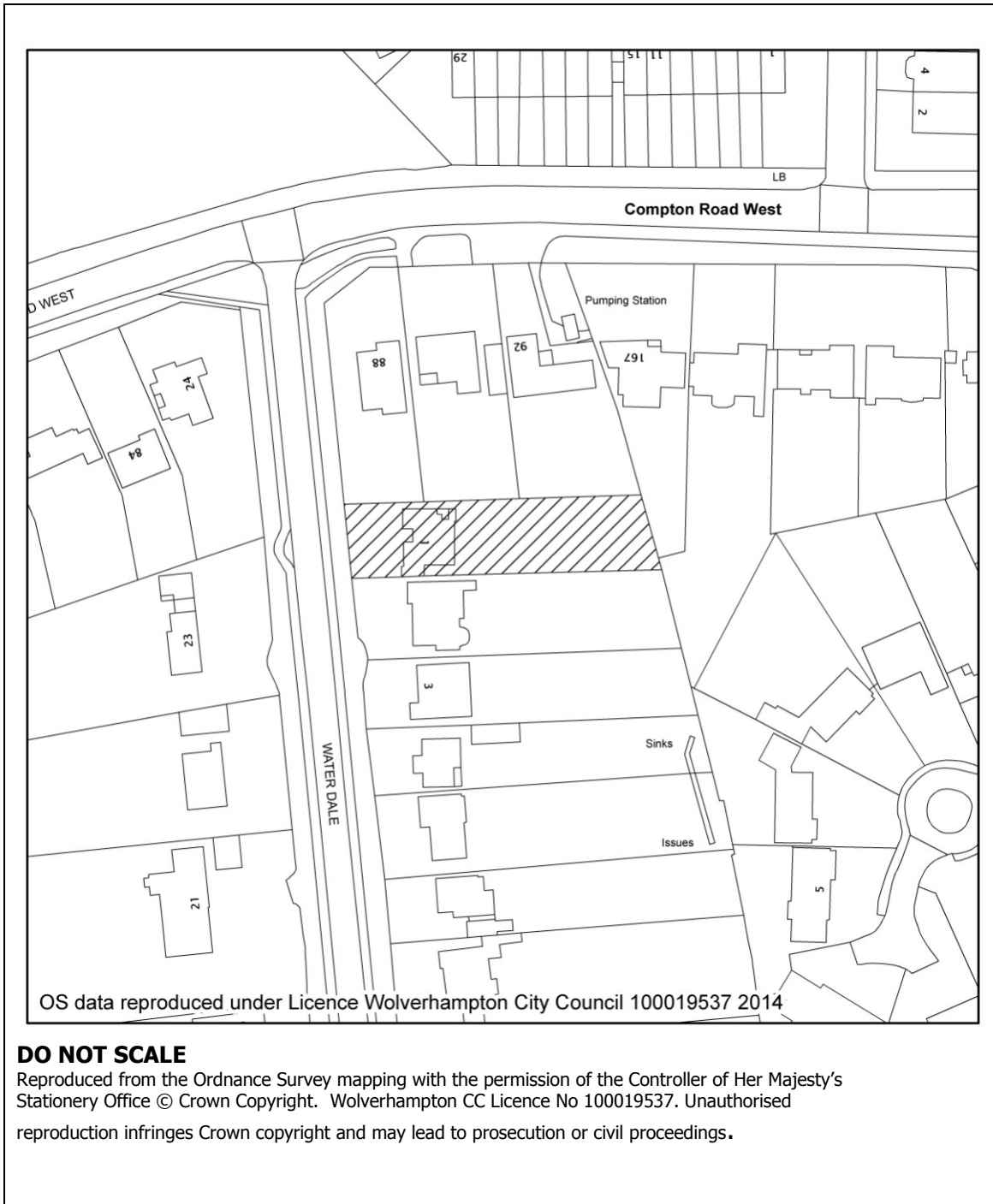
- 8.3 The proposed extensions would be consistent in terms of scale, massing, height and external appearance with other neighbouring properties, which is in keeping with the character and appearance of the existing property and the wider streetscene.
- 8.4 **Neighbour Amenity**
The application has been amended to address the concerns raised by the neighbouring residents. The first floor side extension has been reduced in width and the proposed balcony to the rear has been removed.
- 8.5 There is an existing high wall along the adjoining boundary between the application property and No.2 Waterdale. The additional height of the single storey rear extension with flat roof above the boundary treatment is likely to have a minimal affect on the outlook from the neighbouring property.
- 8.6 There would be no overshadowing, overlooking effect or overbearing impact onto the immediate neighbour by virtue of its height, and hipped roof design.
- 8.7 For the above reasons it is considered that the proposal complies with national and local planning policies.

9. Conclusion

- 9.1 It is considered that proposed application has been suitably amended taking into consideration the existing character and design of the property and the street scene it forms part of. The design is acceptable and there would be no detriment to neighbour amenity. The proposals comply with the policies of the Development Plan.

10 Detailed Recommendation

- 10.1 That planning application 14/00053/FULL be granted, subject to appropriate conditions including:-
- Matching materials
 - No windows or other form of opening above ground level shall be introduced into the side elevation
 - No creation of balcony over flat roof extension.





Planning Committee

6 May 2014

Planning application no.	14/00194/FUL	
Site	Greenway Road/Bankfield Road Bilston	
Proposal	35 Dwellings	
Ward	Bilston East	
Applicant	Redrow Homes Midlands	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable director	Tim Johnson, Education and Enterprise	
Planning officer	Name	Jenny Davies
	Tel	01902 555608
	Email	Jenny.davies@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Delegated authority to grant subject to a Section 106 Agreement and conditions

2. Application site

2.1 This rectangular shaped site is 0.56 hectares and is located 700m south of Bilston Town Centre. The site was used as a car park for many years and more recently has become the construction compound for the Redrow housing development on the adjacent site.

2.2 The site adjoins a scrap yard on the south boundary, commercial premises (producing fasteners) to the east and new housing across the road to the north.

3. Application Details

3.1 The development proposes 35 dwellings comprising 16, two and three bedroom houses and 19 one and two bedroom apartments with parking and landscaping.

3.2 The development would result in the loss of one Lime tree covered by a preservation order but five other trees with a Tree Preservation Order on them will remain. Three other trees would be removed.

4 Planning History

- 4.1 07/00458/OUT for Mixed use development comprising residential development, erection of light industrial units and associated infrastructure, landscaping, parking, creation of public open space and retention of existing car park. (Outline Application), Granted 16.01.2008.

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 Bilston Corridor Area Action Plan including Bilston Neighbourhood Plan

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 One letter of objection has been received from the owner of the adjacent scrap yard objecting to the omission of his premises on the submitted drawings. He is concerned that prospective purchasers will not have full knowledge of the adjacent land uses.

8. Internal Consultees

- 8.1 Archaeology and Transportation have made comments which have been addressed and recommended conditions.
- 8.2 Environmental Health – no objections subject to conditions that windows on rear (south facing) elevation are obscurely glazed, triple glazed and non-opening and no vents, trickle vents or mechanical air intakes are installed. Details of sound insulation should also be submitted.

9. External Consultees

- 9.1 The Coal Authority, Severn Trent Water and the Police have no objections subject to conditions.

10. Legal Implications

10.1 Planning obligations must now as a matter of law comply with the following tests namely they must be:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development

(LD/16042014/A)

11. Appraisal

11.1 The principle of the residential development is appropriate.

11.2 The site and the surrounding area are identified within the Black Country Core Strategy (BCCS) Evidence Appendix 2 as Housing and Employment and in the emerging Bilston Corridor Area Action Plan (AAP) as a location for residential development. Consequently the proposals are consistent with BCCS policies HOU1 and HOU2 and the emerging AAP.

11.3 The site is adjacent to a scrap yard which could potentially result in noise disturbance to future occupiers of the adjacent dwellings.

11.4 However, the layout has been designed such that the apartment block closest to the noise source would be 98.5 metres in length which would provide a barrier for noise disturbance to other dwellings within the site.

11.5 Any noise disturbance to occupiers of the apartment block closest to the scrap yard could be mitigated against by the installation of non opening windows, triple glazing and obscurely glazed windows on the rear elevation which can be conditioned. This is acceptable and the proposal would be consistent with UDP policies H6 and EP5.

11.6 Subject to some minor changes to the proposed boundary treatment which could be dealt with by condition, the design and layout is acceptable and would accord with design policies in the UDP.

11.7 The layout would result in the loss of a mature Lime covered by a preservation order and one Holly and two Sycamores. The loss of these trees would be mitigated against by replacement trees elsewhere within the development which is acceptable.

11.8 In accordance with development plan policies there is a requirement for the following:

- Affordable housing at 25%
- Off-site open space and play - £ 110,847
- 10% Renewable energy
- Public Art
- Management company
- Targeted recruitment and training

11.9 The applicant has requested that the financial requirements are waived on the basis of financial viability and has submitted a financial viability appraisal, which is being assessed by the District Valuer. It would be appropriate and in accordance with local

and national policy to reduce S106 requirements commensurate with the lack of financial viability.

12. Conclusion

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

13. Detailed Recommendation

13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00194/FUL subject to:

(i) if the development is financially viable, the applicant entering into a Section 106 Agreement for the following:

- Affordable housing at 25%
- Off-site open space and play - £110,847
- 10% Renewable energy
- Public Art
- Management Company
- Targeted recruitment and training

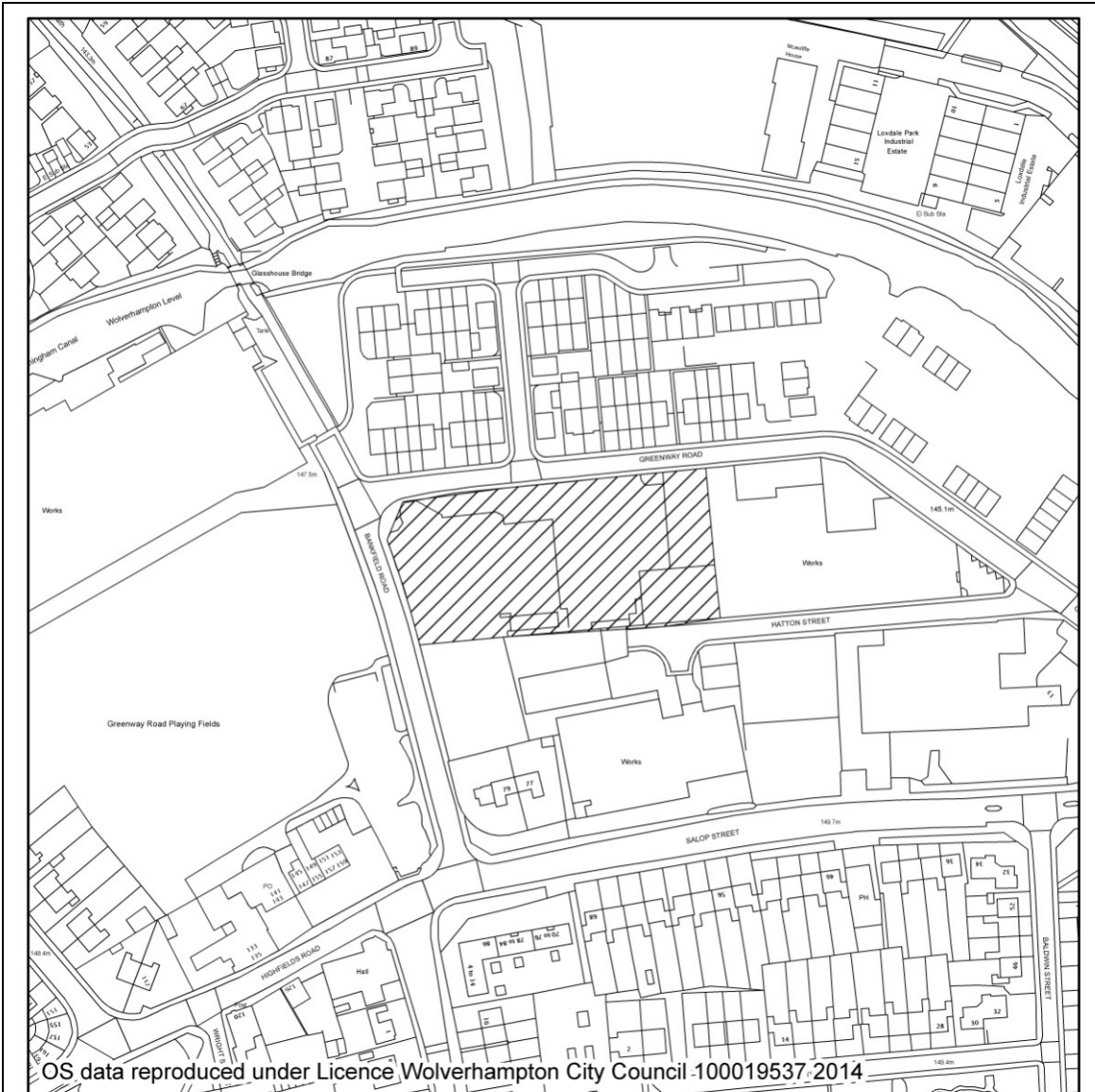
(ii) if the development is not financially viable:

A reduction in Section 106 requirements commensurate with the shortfall in viability on 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:

- cycle parking
- implementation of landscaping
- written brief for archaeology
- coal authority
- boundary treatment
- tree protection measures
- no dig around protected trees
- heavy duty footway crossing completed prior to occupation
- drainage
- specification for glazing on south elevation
- south elevation windows obscurely glazed
- south elevation windows shall be non-opening
- remove permitted development rights for rear extensions on plots 24 to 35
- site investigation
- no vents, trickle vents or air intakes on south elevation

- sound insulation
- hours of construction



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Planning Committee

6 May 2014

Planning application no.	13/00763/FUL
Site	Former Police Station, Birmingham Road, Wolverhampton
Proposal	Conversion and extension to create 32 apartments
Ward	Blakenhall
Applicant	Mr K Samra
Agent	Mr Jacob Sedgemore
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Tracey Homfray Tel 01902 555641 Email Tracey.homfray@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Delegated authority to the Strategic Director for Education and Enterprise to grant planning permission subject to negotiation and completion of a S106 Agreement and appropriate conditions.

2. Application site

- 2.1 This former Police Station occupies a prominent position on the corner of Grove Street and Birmingham Road. There are commercial uses adjoining the site, with a bus/car parking depot to west, Enterprise Car Rental to the north, a Ford Dealership (Commercial and Domestic Vehicles) on the opposite side of the Birmingham Road and other industrial uses on the opposite side of Grove Street.
- 2.2 There is an enclosed yard at the rear of the building, accessed off Grove Street.

3. Application Details

- 3.1 To facilitate the creation of 32 apartments (17 with one bedroom and 15 with two bedrooms), the removal of rear outbuildings and two first floor rear extensions are

proposed, with new windows in the eastern, southern and western elevations at second floor level. The vehicle access from Grove Street would remain, leading to a secure car parking courtyard, with cycle/motorcycle parking and bin storage.

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)
Supplementary Planning Guidance Note 3 Residential

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 representations have been received, objecting on the following grounds:
 - Pedestrian safety / on-street parking / inadequate parking / substandard junction
 - Overdevelopment
 - Potential for complaints about noise / smell from commercial uses could restrict businesses.

7. Internal Consultees

- 7.1 Transportation – no objection
- 7.2 Environmental Services – no objection subject to air quality / noise assessments and mitigation.

8. Legal Implications

- 8.1 Planning Obligations must as a matter of law comply with the following tests, namely they must be:
 - i) Necessary to make the development acceptable in planning terms
 - ii) Directly related to the development and
 - iii) Fairly and reasonably related in scale and kind to the development[LD/1504 2014/B]

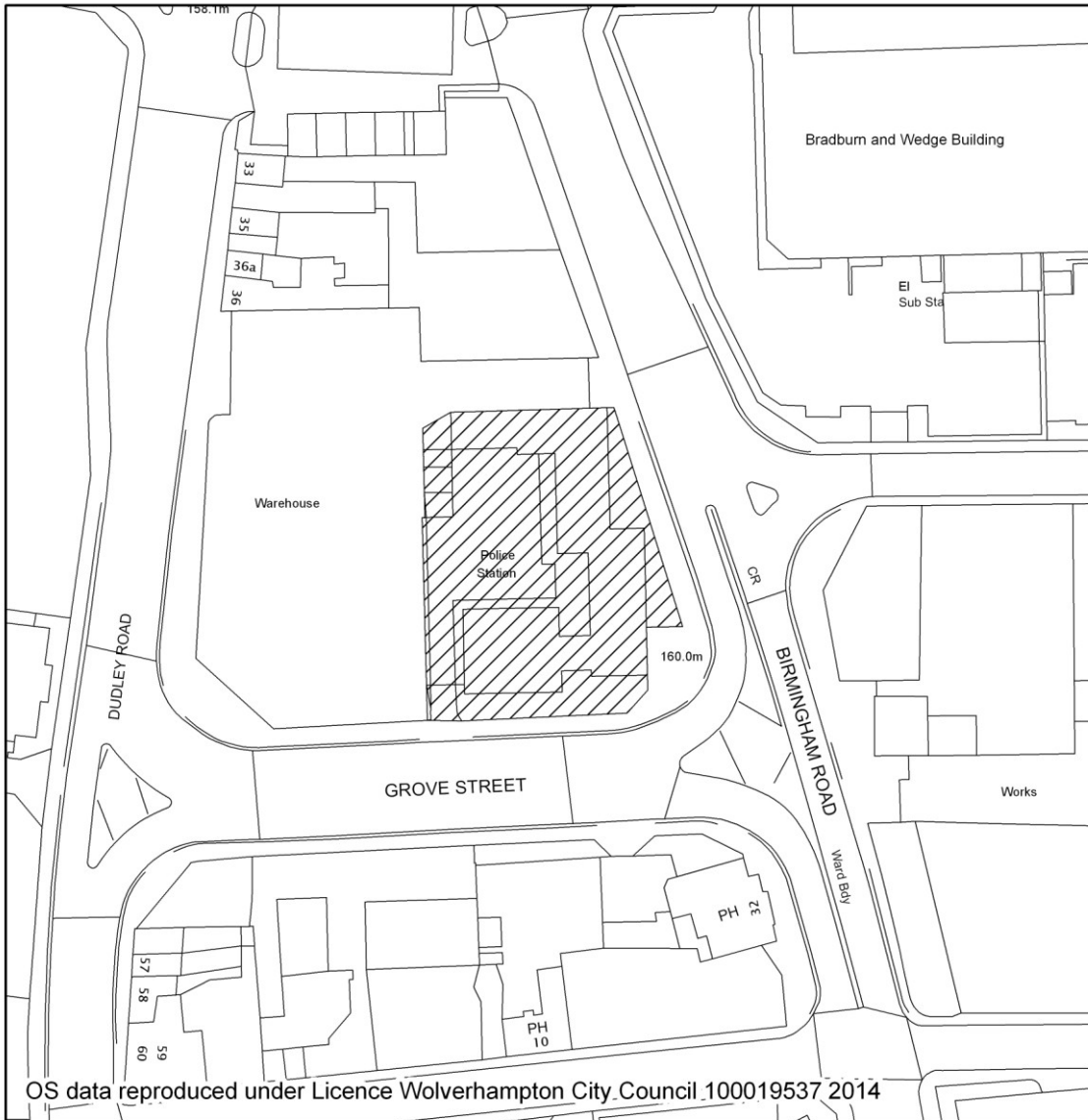
9. Appraisal

- 9.1 The area is identified in the Black Country Core Strategy for employment uses. However, because a Police Station is not categorised as an employment use in policy terms, there would be no loss of employment land and so no objection to the residential

conversion. Also, the site has been vacant for approximately 18 months and it is important that it is brought back into use rather than fall into dereliction

- 9.2 The appearance from the surrounding roads would not change significantly.
- 9.3 Because this is a conversion of an existing building, there are some compromises with the internal layout, and external space. Some of the apartments would be single aspect and/or have a northerly aspect and some window to window distances are less than 11m. Also there would be little amenity space for residents. However, on balance and taking into account the desirability of bringing this prominent building back into use and the provision of 32 homes near to the facilities of the City Centre, the proposal would be acceptable.
- 9.4 Sufficient car, motorcycle and cycle parking and vehicle manoeuvring space are proposed.
- 9.5 The close proximity of commercial uses and main roads has the potential to cause noise and air quality problems. A condition requiring a noise and air quality study and mitigation measures is therefore required.
- 9.6 In accordance with development plan policies there is a requirement for the following:
- Affordable housing (25%)
 - Off-site open space and play contribution (£76,657)
 - 10% renewable energy generation
 - Targetted recruitment and training
 - Management company
- 9.7 The applicant has requested that these requirements are waived on the basis of financial viability, supported by a financial viability appraisal. It would be appropriate and in accordance with local and national policy to reduce S106 requirements commensurate with the lack of financial viability.
- 9.8 The District Valuer has already confirmed that the development would not be sufficiently viable to provide an off-site open space / play contribution or renewable energy generation. The District Valuer is now assessing the number of affordable housing units which can be required. If this is only a few, then a financial contribution rather than on-site provision would be appropriate.
- 10. Conclusion**
- 10.1 Subject to a S106 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 13/01262/FUL subject to:

- (i) Completion of a Section 106 Agreement requiring:
- Affordable housing commensurate with viability – or a financial contribution in lieu of on-site provision.
 - Open space / play contribution, renewable energy and the balance of the affordable housing to be waived, on a pro-rata basis, for all apartments which are ready for occupation within 3 years of the date that a lack of viability is demonstrated.
- (ii) Any appropriate conditions including:
- Noise/air quality assessment and mitigation measures
 - Materials / window details;
 - Car/cycle/motorcycle parking provision
 - Security gates – details and provision
 - Bin store provision;
 - Landscaping



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Planning Committee

6 May 2014

Planning application no.	14/00234/FUL
Site	The Mitre, Lower Green, Wolverhampton
Proposal	Change of use from existing public house to six residential apartments including first floor rear extension
Ward	Tettenhall Regis
Applicant	Mr R Hargun
Agent	Mr Jacob Sedgemore
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Ragbir Sahota Tel 01902 555616 Email ragbir.sahota@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant

2. Application site

- 2.1 The application site is a former public house situated on Lower Green, Tettenhall. The building is of historic interest and is within the Tettenhall Greens Conservation Area. The adjacent building is a Grade II Listed Building, namely The White House, Lower Green.
- 2.2 The area to the rear is the former beer garden to the public house whilst to the front is a patio area with boundary walls and railings. Lower Green is a relatively narrow road with parking restrictions outside the public house however none are present on the opposite side of the road.
- 2.3 The street scene is predominantly residential with the green opposite, an area of recreational open space. Lower Green rises from its junction with Lower Street to its junction with Church Road.

3. Application Details

- 3.1 The proposal is to convert the existing public house to six residential apartments including a first floor rear extension. Five of the apartments have two bedrooms whilst one of the apartments is a three bed.
- 3.2 A parking area of eight spaces has been created to the rear of the site accessed through an existing access. An area for amenity is also provided as is provision for bin stores and cycle storage.

4 Planning History

- 4.1 13/00184/FUL - Change of use from existing public house to residential dwelling
Granted 10 July 2013
- 4.2 03/1633/FP/C - Erection of two single storey side and rear extensions
Granted 20 April 2004

5. Constraints

- 5.1 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)
- 6.3 Other relevant policy documents
SPG3 Residential Development

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 Eight letters of objection received. The main concerns relate to the provision and access of parking and increased parking pressure on Lower Green, overdevelopment, drainage, impact on Conservation Area and loss of privacy to neighbouring property.

9. Internal Consultees

- 9.1 Transportation – no objections.

10. Legal Implications

10.1 There are no legal implications arising from this report. (LD/15042014/B)

11. Appraisal

11.1 The key issues are:

- Principle of Development
- Transportation Matters
- Historic Environment
- Neighbour Amenities

11.2 Principle of Development

The loss of the public house has been considered and accepted as part of application reference 13/00184/FUL for the conversion to one dwelling which was approved on 10 July 2013. The principle of development as residential is therefore considered acceptable.

11.3 Transportation Matters

The proposal for the change of use requires a parking provision of one space for a two bedroom flat and two spaces for the three bedroom flat. The application site is considered to be in a sustainable location with frequent bus services along Tettenhall Road. The proposal provides a parking provision of eight spaces to the rear of the application site which is appropriate for the scale of development. The parking provision is considered to be acceptable and in accordance with UDP policies AM12 and AM15.

11.4 Historic Environment

The proposal primarily comprises a conversion of the former public house with a first floor extension to the rear. As the extension is above an existing ground floor building and sited to the rear and the conversion largely retains the character and appearance of the former public house, it is considered that the proposal will not adversely affect the setting of the adjacent listed building and will preserve the character and appearance of the conservation area. The proposal is therefore in accordance with UDP policies HE4, HE5, HE17 and BCCS policies CSP4, ENV2 and ENV3.

11.5 Neighbour Amenities

The layout has been considered to maximise solar gain and to protect neighbour amenities. Whilst there are changes in levels, there is no adverse neighbour impact from any significant overlooking or loss of privacy and therefore the proposal is considered acceptable and in accordance with UDP policies H6, D8 and BCCS policies CSP4 and ENV3.

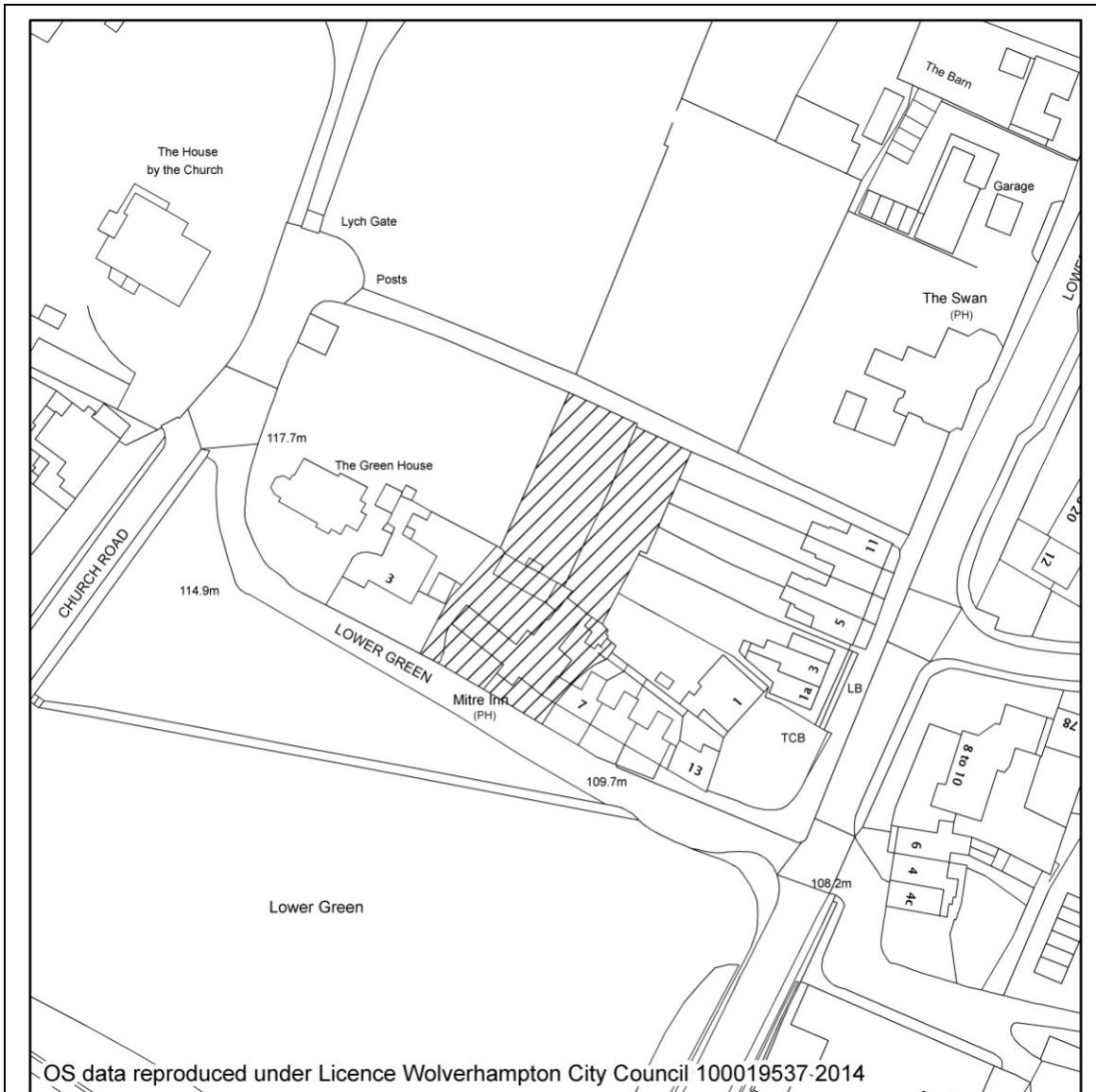
12. Conclusion

12.1 The proposal is considered to be acceptable and in accordance with the provisions of the development plan.

13. Detailed Recommendation

13.1 That planning application 14/00234/FUL be granted, subject to any appropriate conditions including:

- Restrict any alteration of the building frontage
- Matching materials
- Submission of landscaping and implementation
- Bin store design
- Cycle store design
- Parking provision as shown
- Hours of operation during construction



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Planning Committee

6 May 2014

Planning Application No	14/00190/FUL	
Site	Former Retail Shop and Flat at 71 Rooker Avenue	
Proposal	Change of use from A1 Retail shop with flat over, to Care Home for four children between the ages of 6 and 12 years.	
Ward	Ettingshall	
Applicant	Mr Surinder Bains	
Agent	Mr Tommy Wong A & T Design Studio	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Planning Officer	Name	Alan Murphy
	Tel	01902 555623
	Email	Alan.murphy@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Grant subject to standard and necessary conditions

2. Application site

- 2.1 The premises consist of a recently built shop with a flat over and associated off road parking area and enclosed rear garden area.
- 2.2 The site is situated in a predominately residential location at the corner of Rooker Avenue and the residential cul-de-sac Rooker Crescent. It has vehicular access from Rooker Avenue.
- 2.3 The shop and flat were occupied for some time after they were built in November 2013 but the shop was closed after poor trading and has been unused since.

3. Application Details

- 3.1 The application seeks full planning consent to use the premises as a C2 Care Home for young children. Specifically it is proposed to house four children at any one time, between the ages of 6 and 12 years. These will be children displaced from their parents due to their demanding care requirements associated with some form of autism and learning difficulties. There will also be two members of staff on site at all times on two shifts of 10am to 10pm and 10pm to 10am.
- 3.2 The accommodation will consist of four en-suite bedrooms, kitchen-dinner, one common bathroom, a lounge, a games room and an office.
- 3.3 Outside there will be an enclosed rear garden, a small enclosed front garden and a parking area (4 spaces, including 1 disabled)for staff and visitors. A limited degree of change to the external design is needed consisting of replacing the shop window with one of a domestic scale and inserting two new doorways.

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 A petition of 50 signatures and four letters/emails objecting to the application on the grounds that the proposed use is unsuited to this residential location, being likely to cause disturbance.

7. Internal Consultees

- 7.1 Transportation; No objections.

8. Legal Implications

- 8.1 55(2)(f) of the Town and Country Planning Act 1990 requires that planning permission be obtained for the development of land, including the making of the material change in the use of the building in the use of any building or land. The Town and Country Planning (Use Classes) Order 1987 prescribes a number of classes of use including Class A1 Shops and Class C2 (Residential Institutions).
[KR/16042014/J]

9. Appraisal

- 9.1 The retail shop has failed in this location. The applicant indicates that attempts to sell or let it as a shop since it closed have failed. It is therefore unlikely to open again as a shop. So another, more sustainable use, needs to be found to prevent the premises becoming derelict and subject to vandalism etc;
- 9.2 The layout and accommodation and external arrangement of the premises do lend themselves to the use now proposed, with little adaptation. There is sufficient internal space, adequate rear enclosed private garden and sufficient off street car parking.
- 9.3 The scale of the use is limited to only four young children with two adults occupying it at any one time. The children are in need of special education and will essentially live together in as close a family-style as can be made possible. Such uses are regulated by OFFSTED as a 'care-home' and so will need to meet their normal standards with regard to management, security and safety.
- 9.4 The property is detached and so sufficiently self-contained and separate from the nearest houses such that it should not give rise to any undue disturbance.
- 9.5 It is therefore considered that the nature and scale of the use proposed is likely to be suited to a residential location such as this and unlikely to give rise to disturbance to existing residents.

10. Conclusion

- 10.1 The type and small scale nature of the use and the degree of control over its management via OFFSTED registration, together with the enclosed nature of the rear garden and the on-site parking, mean that it is not likely to give rise to disturbance to existing residents. The retail shop has failed and the building is therefore unlikely to be brought back into a retail use again. It is therefore vital that a suitable alternative use is found to prevent deterioration of the premises. Its conversion to the use now proposed can be carried out with a minimum of alteration both internally and externally.
- 10.2 The use would therefore comply with the relevant UDP policies H7 'Conversion of Buildings to Residential Use' and H11 'Special Needs Accommodation'.

11 Detailed Recommendation

- 11.1 That planning application 14/00190/FULL be granted, subject to appropriate conditions including:
- No more than four children aged between 6 and 12 years and two members of staff
 - The parking and amenity spaces shown shall be provided before the use commences.

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Planning Committee

6 May 2014

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

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 The decision to confirm The Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order 2014 was deferred at the Planning Committee 1 April 2014 to consider professional Tree Hazard Evaluation information from a qualified Arborist to support the claim that the tree was in a dangerous condition

- 2.2 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.
- 2.3 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.
- 2.4 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 single sided letter was submitted by Mr Sidhu 14.04.2014 titled "Mature Scots Pine" with the following comments.
- i) Unbalanced due to felling of adjacent tree.
Many trees are one sided because of adjacent tree removal. Minor pruning can re shape the canopy if required.
 - ii) Crown top heavy.
Scots Pine trees naturally grow and develop with new growth at the top of the crown with lower branches dying back and being removed.
 - iii) Stress fractures to lower limbs.
These should be removed for safety reasons.
 - iv) Close to property
The distance from property is acceptable for the root and crown spread of this mature tree.
 - v) Should be felled for safety reasons.
No Tree Hazard Evaluation has been included by the writer of the letter, Allen R Bevan. No inclusion of any relevant qualifications was included.

3.2 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:

3.3 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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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.

5.2 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. [EB/24042014/O]

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.



O/S coordinates (easting): 389304

O/S coordinates (northing): 298940

Approx Scale of Plan 1:1250 - Do not scale from plan

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Wolverhampton City Council Regeneration & Environment Planning Services Civic Centre St Peter's Square Wolverhampton WV1 1RP	The Wolverhampton City Council, 9 Pentland Gardens, Tree Preservation Order 2014	Reference Number: - 14/00002/TPO
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