



Planning Committee

20 January 2015

Time 2.00 pm **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

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

Labour

Cllr Ian Claymore
Cllr Claire Darke
Cllr Dr Michael Hardacre
Cllr Keith Inston
Cllr John Rowley
Cllr Judith Rowley
Cllr Bert Turner

Conservative

Cllr Christopher Haynes
Cllr Wendy Thompson
Cllr Jonathan Yardley

Quorum for this meeting is four Councillors.

Information for the Public

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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

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of the previous meeting (Pages 5 - 8)
[To approve the minutes of the previous meeting as a correct record] |
| 4 | Matters Arising
[To consider any matters arising] |

DECISION ITEM

- | | |
|----|---|
| 5 | Planning Application 14/01099/FUL Woodcroft House, Pennwood Lane Wolverhampton (Pages 9 - 14)
[To determine the application] |
| 6 | Planning application 14/00358/FUL 49 Yew Tree Lane Wolverhampton (Pages 15 - 18)
[To determine the application] |
| 7 | Planning application 14/01044/FUL Lounge 107 Public House (former Goalpost), 107 Waterloo Road Wolverhampton (Pages 19 - 24)
[To determine the application] |
| 8 | Planning application 14/01312/FUL Villiers Arms Public House, Villiers Square, Bilston (Pages 25 - 28)
[To determine the application] |
| 9 | Planning application 14/01161/FUL Bushbury Arms Public House Showell Circus Wolverhampton (Pages 29 - 34)
[To determine the application] |
| 10 | Planning application 14/01286/FUL MS UK Ltd, Swarn House, Meadow Lane Wolverhampton (Pages 35 - 40)
[To determine the application] |
| 11 | Planning application 14/01291/FUL 229-331 Penn Road Wolverhampton (Pages 41 - 46)
[To determine the application] |
| 12 | Planning Application 14/01300/FUL 1 Red Lion Street Wolverhampton (Pages 47 - 50)
[To determine the application] |

- 13 **Application 14/01309/TR Adjacent 8 Surrey Drive Wolverhampton** (Pages 51 - 58)
[To determine the application]
- 14 **Application 14/00010/TPO Land rear of 15 Tinacre Hill Wolverhampton** (Pages 59 - 64)
[To determine the application]

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Planning Committee

Minutes - 18 November 2014

Attendance

Councillors

Cllr Linda Leach (Chair)
Cllr Harman Banger (Vice-Chair)
Cllr Ian Claymore
Cllr Claire Darke
Cllr Dr Michael Hardacre
Cllr Christopher Haynes
Cllr Keith Inston
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson
Cllr Bert Turner
Cllr Jonathan Yardley

Employees

Stephen Alexander	Head of Planning
Andy Carter	Senior Planning Officer
Lisa Delrio	Senior Solicitor
Martyn Gregory	Section Leader
Tracey Homfray	Planning Officer
Marianne Page	Section Leader - Transportation
Ragbir Sahota	Planning Officer
John Wright	Democratic Support Manager

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

Councillor John Rowley declared a non pecuniary interest in agenda item 8 “Planning Application 1400934FUL Former Police Station, Birmingham Road, Wolverhampton”.

3 Minutes of the previous meeting

Resolved

That the minutes of the meeting held on 23 September 2014 were approved as correct record and signed by the Chair

4 Matters Arising

There were no matters arising

5 Planning application 1401007 Woodthorne, Wergs Road

Mrs Heyhoe Flint spoke in opposition to the application.

Some Councillors expressed concerns regarding the need to ensure that the developer only worked within the hours stated with in the conditions and sought clarification of the use of section 106 money

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/01007/FUL subject to:

- i. A S106 agreement for the following:
 - £568,982.76 affordable housing contribution (increase of £27,982.76)
 - £141,221.20 open space contribution (increase of £6,945.31)

- ii. Any appropriate conditions including
 - Materials;
 - Landscaping;
 - Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.
 - Construction Management Plan;
 - Geo-environmental Assessment
 - 10% renewable energy
 - Lighting Layout

6 Planning application 1400997 10 Dippons Mill Close, Wolverhampton

The Planning Officer informed the Committee of additional recommendation regarding the removal of permitted development rights and removal of the existing chimney

Mr Roberts spoke in opposition to the application.

Mr Kalsi spoke in support of the application.

Resolved

That planning application 14/00266/FUL be granted, subject to any necessary conditions to include:

- Removal of Permitted Development rights for first floor windows in side elevations and the extension to the building
- Restrict conversion of garage into separate living accommodation
- Materials to match existing

- Sustainable drainage
- Removal of the existing chimney breast on the side elevation adjacent to property No. 12 Dippons Mill Close

7 Planning Application 1400845 Land rear of 36 Foley Avenue, Wolverhampton

The Planning Officer informed the Committee that the ecology report had been submitted and no objections had been raised by it

Mr Wiley spoke in opposition to the application.

Mr Sedgmore spoke in support of the application.

Some Councillors expressed concern at the loss of green space and possible back land development

Resolved

That planning application 14/00845/FUL be granted, subject to any necessary conditions to include:

- Materials
- Landscaping
- Boundary treatments
- Levels
- Drainage
- Bin stores
- Restrict first floor windows/dormers
- The development shall be carried out in accordance with the recommendations set out in the submitted Ecological Assessment

8 Planning Application 1400934FUL Former Police Station, Birmingham Road, Wolverhampton

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

The Planning Officer informed the Committee of an amendment to the proposed section 106 agreement relating to a management of the landscaped and green areas and an additional condition regarding the relocation of the barrier at the entrance point to car park.

Mr Chumba spoke in opposition to the application.

Mr Sedgmore spoke in support of the application.

Some Councillors expressed their opposition to the application and suggested it be refused on grounds of being contrary to the Black Country core strategy, environmental issues, noise nuisance, vehicle movement, air quality, road safety, vehicle and pedestrian access and lack of amenity space.

Other Councillors felt that the opportunity to redevelop a site which had been vacant for some years in a prominent location should not be missed.

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/000934/FUL subject to:

- (i) Completion of a Section 106 Agreement requiring:
 - 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.
 - Management plan

- (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
 - Relocation of barrier at entrance point to car park.

9 **Planning application 1400828 King Charles Public House, Cromwell Road, Wolverhampton**

Resolved

That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00828/OUT subject to:

- i) Completion of a S106 Agreement to secure:
 - Public open space contribution - £105,621 to improve Northwood Park
 - 10% renewable energy
 - Targeted recruitment and training

- ii) Any appropriate conditions including:
 - Standard outline conditions
 - Means of demolition and details of reinstatement
 - Drainage
 - Levels
 - Construction management plan (including hours of construction)
 - Landscaping
 - Boundary treatments
 - Materials
 - Parking areas to be provided
 - Remove permitted development rights
 - Remove permitted development rights for first floor windows at Plot 14



Planning Committee

20 January 2015

Planning application no.	14/01099/FUL
Site	Woodcroft House, Pennwood Lane
Proposal	Construction of new boundary wall, railings and vehicular entrance gates to street frontage
Ward	Penn
Applicant	Mr Jujhar Gill
Agent	Mr Stephen Symonds
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 555615 Email ragbir.sahota@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is a large detached property set on a lower level and significantly back from the narrow lane. To the frontage were trees/shrubbery which have been removed.

2.2 The property is set within a substantial plot and is within the Vicarage Road (Penn) Conservation Area.

2.3 The site is within the designated green belt. It is characterised by large properties set in well treed grounds, with boundary treatments mostly consisting of hedging and low walls appropriate to this semi-rural setting.

3. Application Details

3.1 The application is for the erection of boundary walls, gates and railings to the front of the property.

4 Planning History

- 4.1 Application reference 13/00483/FUL for boundary walls, gates and railings comprising high brick walls and brick piers was refused and dismissed at appeal on the grounds that the proposal resulted in having an adverse impact on the street scene, neither preserving nor enhancing the character and appearance of the Conservation Area and as a result of it being detrimental to pedestrian and highway safety.

5. Constraints

- 5.1 Conservation Area - Vicarage Rd (Penn) Conservation Area
Green Belt
Mining Advice 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)

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 One letter of objection received. The issues raised include:
- Not in keeping with the character of the conservation area/street scene;
 - Proposal should have trees behind the boundary wall/railings for privacy and security
- 8.2 One letter in support received as the proposal is considered to be in keeping with that of the street scene, no detrimental impact on the surroundings, the boundary treatments are of an appropriate height and will improve security and safety.

9. Legal Implications

- 9.1 The National Planning Policy Framework states that in assessing and determining planning applications, Local Planning Authorities should apply a presumption in favour of sustainable development.
- 9.2 When an application is situate in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority

must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under Section 73 of the Act.

- 9.3 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess. Legal Implications reference LM/05012015/N

10. Appraisal

- 10.1 This proposal in terms of design is significantly different to the one that was previously submitted and dismissed at appeal which proposed 1.24metres high walls with 600mm high railings, 2metre high piers and gates proposing a more harsh and dominant feature within the streetscene and one which was more suited to a location in a built-up urban street, than a rural setting on a narrow country lane, such as this.
- 10.2 The proposal now seeks to erect boundary walls, gates and railings to the front of the property, formerly comprising trees/hedges which have been removed. The proposal seeks to erect a wall of approximately 400mm in height with a further 1350mm of railings above that. Gates and piers with stone ball copings at a height of 2.1metres are also proposed however these are set some 5metres back into the site from the lane.
- 10.3 The railings and brick wall are set approximately 1500mm into the property from the existing gas strip with security shrub planting comprising 600mm. The proposal includes a schedule of shrubs to the front border in order to soften the appearance of the boundary treatment which shall be planted with a date agreed by the local planning authority following implementation of the railings and wall. The purpose of this is to minimise the impact of the development on the character and appearance of the conservation area.
- 10.4 This proposal of railings on a lower brick plinth along with planting retains the sense of openness, morphology and is more in keeping with that of the Conservation Area. Whilst the property is within the green belt, the proposal is not considered to seriously impact on the openness, harm visual amenities or visual character of the Green Belt.

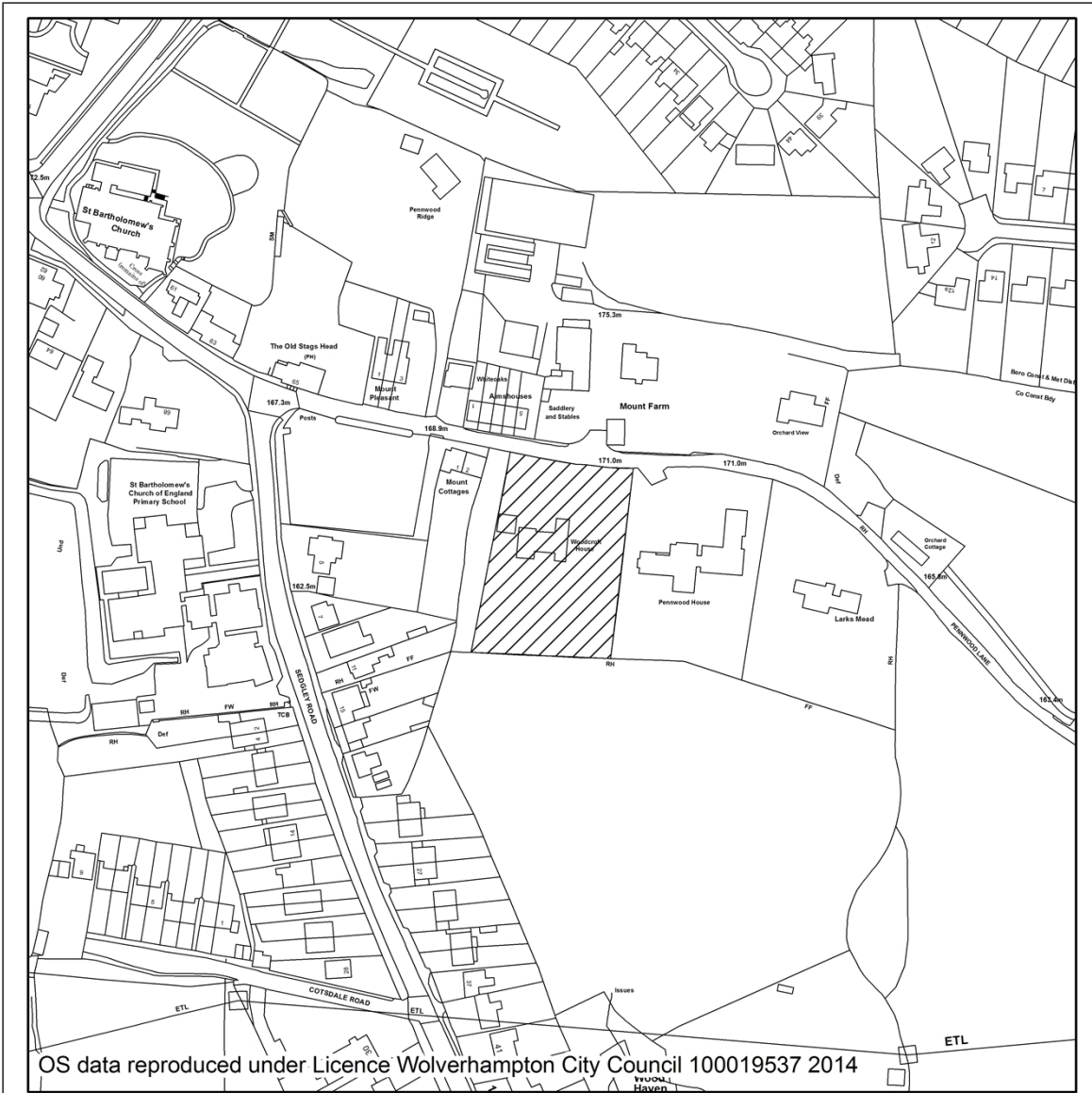
11. Conclusion

- 11.1 The proposal is therefore considered acceptable as a result of it being in keeping with the street scene, impact on visual amenities and the Conservation Area. The proposal is in accordance with the provisions of the Councils Unitary Development Plan policies D4, D6, D7, D8, D9, HE4, HE5 and BCCS policies ENV2, ENV3 and CSP4.

12. Detailed Recommendation

12.1 That planning application 14/01099/FUL be granted, subject to any appropriate conditions including:

- Submission of Materials
- Landscaping Details
- Wall and railings to be set back 1500mm as per drawing
- Planting species to be implemented as detailed on drawing
- Large scale drawings of wall and railings



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Planning Committee

20 January 2015

Planning application no.	14/00358/FUL
Site	49 Yew Tree Lane
Proposal	Two storey side, front and rear extension, a single storey side and rear extension and a conservatory.
Ward	Tettenhall Regis
Applicant	Mr J Khela
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Place
Planning officer	Name Ann Wheeldon Tel 01902 550348 Email Ann.wheeldon@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is a detached dwelling located in a corner plot.

2.2 A number of mature protected trees are located within the site.

3. Application Details

3.1 The proposal is for a two storey side, front and rear extension, a single storey side and rear extension and a conservatory.

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)
Tettenhall Neighbourhood Plan

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4.3 Supplementary Planning Guidance 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 above regulations is required.

6. Publicity

6.1 Two objections have been received on the following grounds:

- Loss of privacy
- Loss of light
- Overdevelopment
- Breach of the building line
- Out of character

7 Internal Consultees

7.1 The tree officer has requested a condition requiring protective fencing.

8. Legal Implications

8.1 There are no direct legal implications arising from this report.(LD/07012015/B)

9. Appraisal

9.1 Whilst the proposal is for a large extension to the dwelling, this would not detract from the character or appearance of the original building. The proposed extension has been sympathetically designed to complement the appearance of the existing house and would not constitute an overdevelopment of the site, due to the size of the plot.

9.2 The single storey side extension would be located approximately 1.2m from the boundary with the adjacent dwelling, rising to two storey at a distance of approximately 3.2m away from the boundary. This extension would project approximately 5m from the rear of the existing dwelling.

9.3 Whilst there would be some loss of daylight and sunlight to the side and rear garden of the neighbouring dwelling, this impact would not justify the refusal of planning permission. Notwithstanding this, there are mature trees alongside the boundary between the two properties (and in the ownership of this neighbouring dwelling) that would provide some screening. In addition, a condition can be added to ensure that there are no future windows installed in the north-western side elevation.

9.4 The rearmost point of the two storey extension would be located approximately 28m from the bungalow to the rear. This complies with the Council's Supplementary Planning Guidance 4 'Extension to Houses' which advises this distance should be a minimum of 22m. Notwithstanding that the property to the rear is a bungalow, there would not be a

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material detrimental impact on the amenity of this house and garden from the proposed extension.

- 9.5 Whilst the proposed side extension (marked on the plans as a garage) would not conform with the building line along Cranmere Avenue, neither would the existing dwelling. The primary building line is along Yew Tree Lane and the proposed garage would not breach this.
- 9.6 The immediate area is characterised by a wide range of house designs and sizes and the proposed extension would not result in the application site appearing out of character with the existing dwellings in the surrounding area.
- 9.7 In order to ensure that there is no damage to any protected trees, it is necessary to add a condition requiring protective fencing to be erected.

10. Conclusion

- 10.1 Subject to conditions, the proposal is acceptable and in accordance with the development plan.

11. Detailed Recommendation

- 11.1 That planning application 14/00358/FUL be granted, subject to any appropriate conditions including:
- Removal of permitted development rights for any first floor windows in the north-west side elevation
 - Protective tree fencing to be erected

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Planning Committee

20 January 2015

Planning application no.	14/01044/FUL
Site	Lounge 107, 107 Waterloo Road, Wolverhampton
Proposal	Full Application – Demolition of public house and associated structures and erection of a six pump filling station, including fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, air and water unit, dual jet wash facilities.
Ward	St Peters
Applicant	ASDA Stores Ltd
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Andrew Johnson Tel 01902 551123 Email andrewk.johnson@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Refuse planning permission.

2. Application site

2.1 The application site is the Lounge 107 PH, located on the corner of Waterloo Road and Staveley Road.

3. Application Details

3.1 The application proposes the demolition of the public house (and associated structures) and the erection of a six pump filling station, including fuel storage tanks, associated pipework, overhead canopy, forecourt surfacing, air and water unit, dual jet wash facilities.

4. Relevant Policy Documents

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)

Black Country Core Strategy (BCCS)

4.3 SPG 3 'Residential Development'

5. Environmental Impact Assessment Regulations

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

6. Publicity

6.1 Four letters of objection (including a letter from Councillor Lawrence) have been received. The reasons for objection include loss of heritage asset and highway safety. Objections have also been received from the Victorian Society and Wolverhampton Civic and Historical Association (WCHS).

6.2 A letter of support has been received from Councillor Shah and a petition of support, containing over 300 signatures, has been submitted by ASDA.

7. Legal Implications

7.1 Paragraph 70 of the National Planning Policy Framework (NPPF) states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Further to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Policy C3 of the UDP advises that, where appropriate, this type of facility should be retained

7.2 In relation to conservation and enhancement of the historic environment, the Local Planning Authority should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so the planning authority should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

7.3 Paragraph 128 of the NPPF states that in determining applications, the local planning authority shall require an applicant to describe the significance of any heritage asset affected, including any contribution the asset makes to their setting. The level of detail must be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Once the heritage asset(s) has been identified and its significance assessed, the planning authority must take into account the impact of the proposal on the heritage asset, to minimise conflict between the asset's conservation and any aspect of the proposal

7.4 In accordance with paragraph 131 NPPF, in determining the planning application, the local planning authority should take account of the following:-

- (a) the desirability of sustaining and enhancing the significance of the heritage asset(s) and putting them to viable use consistent with their conservation
- (b) the positive contribution that heritage assets can make to sustainable development communities including their economic vitality; and
- (d) the desirability of the new development making a positive contribution to local character and distinctiveness.

7.5 When considering the impact of the proposed development on the significance of a designated heritage when considering (a)-(c) above great weight should be given to the asset(s)' conservation and importance. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification (Paragraph 132 NPPF). Legal implications reference LM/07012015/C

8. Appraisal

- 8.1 The public house is still trading and provides a community meeting place. The proposals will result in the loss of this community facility and the applicant has failed to demonstrate compliance with adopted UDP Policy C3 (which seeks to protect community meeting places unless specific conditions are met). The proposals are therefore unacceptable in principle.
- 8.2 The building, which was built circa 1864, is the work of important Wolverhampton architect George Bidlake (his work also includes Bilston Town Hall). The building is, therefore, a heritage asset. The building is also an important local landmark, forming an integral part of this residential sector of the locality. There was an unsuccessful attempt to statutorily list this building during the course of considering this application. English Heritage commented that the "building is of some local interest" and that "the building's design is not without merit".
- 8.3 Notwithstanding the decision taken by English Heritage, the existing building is prominent, and designed for its unique corner position. The proposals would result in the loss of this prominent corner building and its replacement with something which, by comparison, would not add to the present established character of the vicinity. The scale, appearance and positions of the replacement buildings on the site bear no relation or any rationale gained from an analysis of existing local characteristics and so would result in the loss of the important elements of the present building and site layout in this important setting. Moreover, the proposals, by removing the corner building and replacing it with a service station canopy and associated structures, would add nothing of any comparable townscape character in its place.
- 8.4 The canopy, given its 'open' nature, would not be positioned or 'substantial' enough in its form, appearance and position on site. Its proposed appearance would be of a standard design (not specifically designed for this gateway site). The other structures proposed (including car wash) would be similarly not designed in scale, position or appearance in any way related to the existing characteristics of the site, or its setting.

- 8.5 The proposed landscaping scheme would not significantly screen the development and offers little to lessen/diminish the obtrusive appearance of the replacement modern design of the development.
- 8.6 This would be the first fully unmanned filling station in Wolverhampton. Anecdotal evidence provided by Environmental Health of 24 hour manned filling stations near residential areas elsewhere in the City suggests that anti-social behaviour (including noise complaints and nuisance) can occur during unsociable hours. It is considered that an unmanned facility, where staff cannot attempt to curtail unsociable behaviour, is likely to generate nuisance and disturbance to nearby residential properties.
- 8.7 Environmental Health has recommended that the facility is restricted to daytime use only. However, the proposals are for unmanned 24 hour operation. Whilst the applicants noise survey covers vehicle refuelling and tanker deliveries, the likelihood of disturbance arising from peripheral services, such as vehicle cleaning and the behavioural aspects of customers and their passengers, has not been factored in. This evidence is essential to assessing all material impacts on amenity for this unmanned 24 hour use.
- 8.8 The location of peripheral aspects, such as use of air lines and associated compressors, vacuum cleaners and also vehicle wash bays could be restricted from operating during unsocial hours. Some physical screening of the vacuum and airline bay from the adjacent residence is also considered necessary given the close proximity of the front windows to the adjacent house (approximately 6m distance) and the potential for 'overspray'.
- 8.9 The submitted Transport Assessment fails to adequately address the impacts of the proposal upon highway safety, in particular for pedestrians and cyclists within the locality. The proposal itself generates dis-benefit for road users and the level of conflict and impact on highway safety is unacceptable.
- 8.10 A two day (weekday) two-way traffic survey showed that circa 16,500 vehicles drive along Waterloo Road daily. There is insufficient space within the proposed forecourt area, particularly with the close spacing of pumps without a central aisle, to accommodate the likely demand generated. This will lead to queuing vehicles on Waterloo Road causing congestion problems and the proposals would detrimentally affect the safe free flow of traffic, particularly at peak times and Wolverhampton Wanderer FC match days. This would be to the detriment of pedestrian and highway safety.
- 8.11 For the reasons detailed above, the proposals are contrary to UDP Policies C3, D4, D5, D6, D7, D8, D9, HE1, EP1, EP5, AM4, AM8, AM15 and BCCS Policies CSP4, ENV2 , ENV3, TRAN1 and TRAN4.

9. Conclusion

- 9.1 The development is not acceptable and does not accord with development plan.

10. Detailed Recommendation

10.1 That planning application 14/01044/FUL be refused for the following reasons:

- The proposals have failed to demonstrate the loss of the community meeting place meets the requirements of adopted UDP Policy C3. Relevant UDP Policy C3.
- The proposals would result in the loss of this attractive corner building and its replacement with something which, by comparison, would detract from the present established character of the vicinity. Relevant UDP Policies D4, D5, D6, D7, D8, D9, HE1 and BCCS Policies CSP4, ENV2 and ENV3.
- The proposals would appear obtrusive and harmful to the special character of the streetscene. The scale, appearance and positions of the replacement buildings would bear no relation or any design rationale gained from an analysis of existing characteristics of the surrounding area. Relevant UDP Policies D4, D5, D6, D7, D8, D9, HE1 and BCCS Policies CSP4, ENV2 and ENV3.
- Insufficient evidence supporting the unmanned 24 hour operation of this site and the likely impacts on amenity, in particular from patrons and their passengers during unsociable hours, has been submitted. Therefore, an informed assessment of all material matters concerning nuisance and disturbance cannot be made. Relevant UDP Policies EP1 and EP5.
- The submitted Transport Assessment fails to adequately address the impacts of the proposal upon highway safety, in particular for pedestrians and cyclists within the locality. Therefore, an informed assessment of all material matters concerning nuisance and disturbance cannot be made. Relevant UDP Policies AM8 and AM15 and BCCS Policy TRAN4.
- The proposals would lead to queuing vehicles on Waterloo Road, causing congestion problems within the locality, and the proposals would affect the safe free flow of traffic, particularly at peak times and Wolverhampton Wanderer FC match days. This would be to the detriment of pedestrian and highway safety. Relevant UDP Policies AM4, AM8 and AM15 and BCCS Policy TRAN1



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Planning Committee

20 January 2015

Planning application no.	14/01312/FUL
Site	Villiers Arms Public House, Villiers Square, Bilston
Proposal	Full Application – Retain public house building and conversion into 13 apartments and erection of a pair of semi-detached houses at the rear of the site, opposite 11 Wassell Road
Ward	Bilston North
Applicant	Mr Tilk Mehta
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Andrew Johnson Tel 01902 551123 Email andrewk.johnson@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Delegated authority to grant subject to a S106 agreement and conditions.

2. Application site

2.1 The application site is the Villiers Arms PH. The surrounding area is predominantly residential.

3. Application Details

3.1 The application proposes the conversion of the public house building into 13 apartments and the erection of a pair of semi-detached houses at the rear of the site.

4. Relevant Policy Documents

4.1 National Planning Policy Framework (NPPF)

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

4.3 SPG 3 'Residential Development'

5. Environmental Impact Assessment Regulations

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

6. Publicity

- 6.1 Seven letters of objection have been received. Reasons for objection include impact on amenity, loss of privacy, out of character and highway safety.

7. Legal Implications

- 7.1 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess. Legal implications reference [LM/05012015/P]

8. Appraisal

- 8.1 Although not specifically identified for development within the UDP, the site is situated within a predominantly residential area and the public house has been closed for circa two years. The principle of its conversion is appropriate.
- 8.2 The proposal will result in the loss of a community facility. However the applicant has provided evidence that there is no longer a need for the facility and that the continued use of this site to provide a community meeting place would not be economically viable. There are also nearby public houses and community facilities to meet local needs. On balance, the proposal accords with UDP Policy C3.
- 8.3 The building is locally listed and a heritage asset. The proposals would retain this important building (including many original exterior features and detailing).
- 8.4 The proposed semi-detached houses would have three floors, with the third floor in the roof space. With a ridge height not significantly higher than the neighbouring houses (and not higher than the public house building), they would not be out of character in the street scene. Because they would be sited at least 12m away from the original rear walls of the adjacent houses there would be no undue loss of amenity or privacy to residents of neighbouring properties.
- 8.5 In order to retain much of the existing character of this important local building, the proposed layout has been designed so that it is not dominated by additional areas of hardstanding. The site is located in a sustainable location and therefore, on balance due to this, and the small-scale nature of the development, the proposals would provide an adequate amount of off-street parking.

- 8.6 The proposal would represent sustainable development, would improve the appearance of this prominent site, provide further housing and create jobs during construction.
- 8.7 In accordance with the development plan, a S106 agreement is required to secure:
- 25% affordable housing
 - Public open space contribution £30,960
 - 10% renewable energy
 - Targeted recruitment and training

9. Conclusion

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

10. Detailed Recommendation

- 10.1 That the Strategic Director Place be given delegated authority to grant planning application 14/00828/OUT subject to:
1. Completion of a S106 Agreement to secure:
 - Affordable housing
 - Public open space contribution - £30,960 to improve Prouds Lane Park
 - 10% renewable energy
 - Targeted recruitment and training
 2. Any appropriate conditions including:
 - Means of demolition and details of reinstatement
 - Drainage
 - Levels
 - Construction management plan (including hours of construction)
 - Landscaping
 - Boundary treatments
 - Materials
 - Parking areas to be provided
 - Remove permitted development rights for first floor windows

Notes for Information:

- Coal Mining Advice



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Planning Committee

20 January 2015

Planning application no.	14/01161/FUL
Site	The Bushbury Arms, Showell Circus
Proposal	Construction of 24 houses and 4 apartments, and conversion of former public house into 10 apartments
Ward	Bushbury South and Low Hill
Applicant	Wonderful Homes & Wrekin Housing Trust
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Delegated authority to grant subject to a S106 agreement.

2. Application site

2.1 The application site is 0.7ha in size and located 3 miles north of the city centre. The locally listed public house is in a prominent position fronting Showell Circus. The site is bounded by houses to the north and west. On the opposite side of Jenks Avenue is Low Hill Library, a grade II listed building.

2.2 A number of mature protected trees are located in the former beer garden.

3. Application Details

3.1 The proposals are to convert the original public house into ten, one bedroom apartments. 24 houses and 4 one bedroom apartments would be built on land surrounding the public house (previously the car park and beer garden). Access to the houses and apartments is proposed from Jenks Avenue in a cul-de-sac arrangement. The applicant states that the development would comprise affordable housing throughout (although the planning requirement is only for 25% of the dwellings to be affordable).

3.2 Each house would have off-road parking at a minimum of one space, and in the majority of cases two spaces. The apartments would have one parking space each.

4. Planning History

4.1 10/00862/FUL - Erection of five, three bed dwellings on land fronting Thorne Avenue - granted.

4.2 10/00244/FUL - Erection of nine 2 bedroom flats – granted

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 A “screening opinion” as to whether or not a formal Environmental Impact Assessment has been provided to the developer advising that an EIA is not required.

7. Publicity

7.1 No representations have been received.

8. Internal Consultees

8.1 Transportation, Landscape & Ecology, and Environmental Health – No objection

9. Legal Implications

9.1 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess. Legal implications Reference LM/05/05012015/Q.

10. Appraisal

10.1 The key issues are:-

- Loss of the Public House
- Heritage, Design and Layout
- Impact on neighbouring properties
- Impact on trees
- Section 106 requirements

Loss of a Community Meeting Place

- 10.2 The pub closed a number of years ago and has suffered arson attacks since. Following a period of unsuccessful marketing to continue the use as a pub, it was concluded that it would be economically unviable, and an alternative use was required to retain the building. The regeneration benefits of the proposals, and conversion of locally significant building outweigh the loss of the community meeting place.

Heritage, Design and Layout

- 10.3 The development would see the retention of the locally listed former public house. Built in 1928, it is a prominent building in the street scene. The unsympathetic side extensions would be demolished to provide amenity space for the ten apartments within the conversion. The proposals are to frame the locally listed former public house with two storey buildings on either side. Gabled roof forms and proposed materials (brickwork and render) draw on the design themes of the pub.
- 10.5 The proposed houses fronting Jenks Avenue, maintain consistency in the street scene and do not negatively impact on the scale and townscape benefits which the listed Low Hill library provides.
- 10.6 Semi-detached housing is the predominant house type along Jenks Avenue and Thorn Avenue. The proposed development would continue this characteristic in the street scene, reinforcing the sense of scale in the local area.
- 10.7 The proposed layout would achieve minimum garden sizes for all houses, and would provide an area of shared amenity space for the 14 apartments. All parking is design to be within curtilage and achieves minimum parking space requirements.
- 10.8 The housing development would make a positive contribution to the local area, introducing new affordable housing stock, and re-using a currently vacant pub site.

Impact on neighbouring properties

- 10.9 The distance separation between the proposed houses and the existing dwellings surrounding the site is above the 22m required within the Council's standards. The site includes part of the rear garden of 2 Jenks Avenue. The resultant garden at this property would achieve minimum garden space requirements of 55sqm.

Impact on trees

- 10.10 The proposed layout would incorporate the majority of the mature protected trees within the gardens of the houses. The protected trees alongside Jenks Road would be removed, but are deemed to be of limited value. Further trees would be planted within the development as part of the landscaping scheme.

Section 106 requirements

- 10.11 There is a policy requirement for the following to be secured through a S106 agreement:
- £161,428 off-site open space contribution
 - 25% affordable housing
 - Targeted recruitment and training

10.12 The applicants have advised that they will submit a financial viability appraisal with the intention of demonstrating that the development is not sufficiently viable to fund all of the normal S106 requirements.

10.13 It would be appropriate to reduce the S106 requirements, on a pro-rata basis, commensurate with any lack of viability which may be demonstrated, with such a reduction being for a 3 year period only, to reduce the likelihood that the developers would benefit unduly from rising home prices making the development viable.

11. Conclusion

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

12. Detailed Recommendation

12.1 That the Strategic Director Place be given delegated authority to grant planning application 14/01161/FUL subject to:

(i) A S106 agreement for the following (if the development is sufficiently financially viable) :

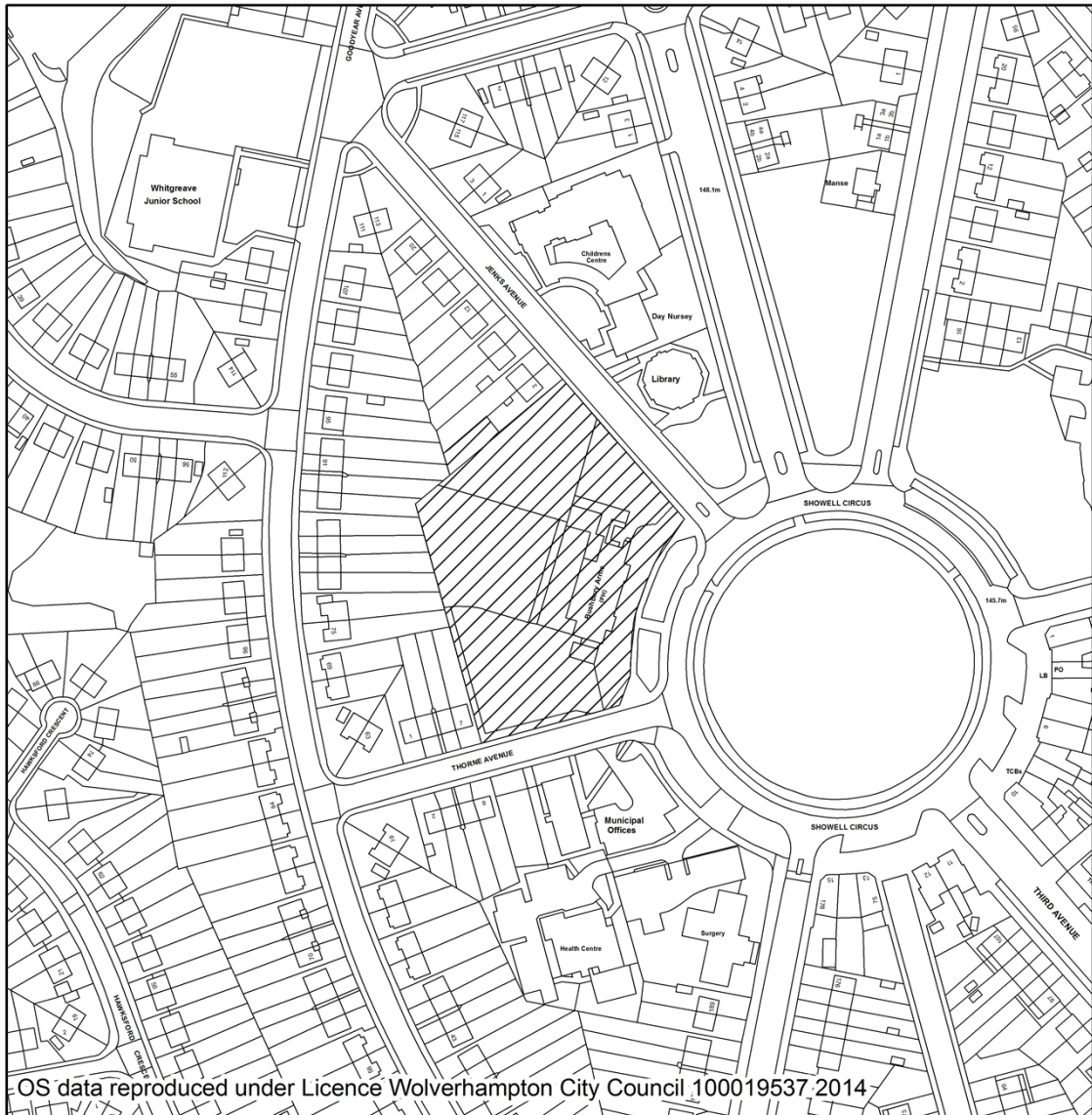
- £161,428 off-site open space contribution
- 25% affordable housing
- Targeted recruitment and training

If the development is not fully 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

(ii) any appropriate conditions including:

- Materials;
- Landscaping;
- Tree protection measures;
- Construction Management Plan;
- Drainage
- Site Investigation
- 10% renewable energy
- Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.



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Planning Committee

20 January 2015

Planning application no.	14/01286/FUL
Site	MS UK Ltd, Swarn House, Meadow Lane
Proposal	Part change of use from industrial and warehouse to multi-purpose leisure facility to include hot yoga studio, gymnasium and recording studio
Ward	Spring Vale
Applicant	Metal Spraying UK Ltd
Agent	Stoneleigh Architectural Services Ltd
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Strategic Director Place
Planning officer	Name Ragbir Sahota Tel 01902 555616 Email ragbir.sahota@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is Swarn House, Meadow Lane which is currently used as an industrial unit for manufacturing and warehousing with ancillary offices. The site is within the same ownership and has been since 2009/2010.

2.2 The building is predominantly two storeys in height, part brick/part cladding. The main entrance to the site is off Meadow Lane with a secondary access on Anchor Lane.

2.3 The site is surrounded predominantly by industrial/commercial buildings and is identified within the Bilston Area Action Plan as being local employment land. Meadow Lane comprises a number of detached bungalows and houses and semi-detached properties.

3. Application Details

3.1 The application seeks to change a small section of the existing storage warehouse building to create a multi-purpose leisure facility. The proposed facility comprises a hot

yoga studio and gymnasium on the ground floor with dance/multi-use studios and recording studios at first floor.

- 3.2 The access to the site is off Meadow Lane via the existing access and the proposal provides for 31 parking spaces.
- 3.3 The proposal seeks to make minor external changes to the building to accommodate the use.

4. Constraints

- 4.1 Landfill Gas
Mining Area

5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 5.3 Bilston Area Action Plan

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 Six representations have been received opposing this development. The main reasons are:
- Traffic/parking/access issues
 - Existing and proposed noise/fumes/pollution/rubbish issues
 - Hours of opening
 - Sound proofing of building
 - Safety risks to residents and visitors of residential properties
 - Safety of users from lorries/forklifts
 - Lack of need for the facility

8. Internal Consultees

- 8.1 Environmental Health – proposal is considered acceptable subject to appropriate conditions to control noise and attenuation, acoustic glazing and hours of opening.
- 8.2 Transportation – proposal is considered acceptable subject to cycle and motorcycle parking and a swept path analysis.

9. Legal Implications

- 9.1 S55(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 any building or land. The Town and Country Planning (Use Classes) Order 1987 prescribes a number of classes of use. A use not falling within a specific class is a sui generis use. The existing use for manufacturing and warehousing falls under Class B2 (General Industrial) and Class B8 (Use for storage).
- 9.2 The proposed use will be for a mixed use under Class B2 and B8 in respect of the retained industrial and warehousing and Class D2 (Assembly and leisure) in respect of the hot yoga and gymnasium together with the recording studio being a sui generis use.
KR/08012014/H

10. Appraisal

- 10.1 The application site is within the same ownership and the owners propose to change a small section of the building which is currently vacant for a multi-purpose leisure facility to include hot yoga studio, gymnasium and recording studio.
- 10.2 Residents raise concerns in respect of noise, disturbance and parking. In respect of noise and disturbance and in order to minimise neighbour impact, it is considered that subject to suitable conditions to sound proof the building with appropriate acoustic insulation, attenuation schemes and detailed acoustic glazing, this would minimise any sound emanating from the building. Furthermore to protect residential amenities, it is considered that the use of the facilities shall be conditioned to hours of opening between 08.00 - 20.00 hours Monday to Sunday only.
- 10.3 In respect of parking, the proposal makes provision for 31 parking spaces. Whilst residents have raised concern, the site is considered to be highly accessible and has adequate level of parking. As the site is within the same ownership and the existing business would be closed after 5pm on weekdays and 3pm on Saturdays, additional parking provision is available on site thus reducing the need to park on Meadow Lane.
- 10.4 The site is identified as local employment land within the Bilston Area Action Plan and whilst the proposal results in the loss of a small section of the existing industrial/warehouse building, it does result in creating 2 full time and 8 part time jobs.

11. Conclusion

- 11.1 The proposal brings back into use part of this vacant building, creates 6 full time equivalent jobs and results in inward investment with the refurbishment of the building. Whilst residents have raised concerns to the proposal, it is considered that subject to suitable conditions, the proposal would not have an adverse impact on neighbour amenities and therefore the proposal is considered to be acceptable and in accordance with the development plan.

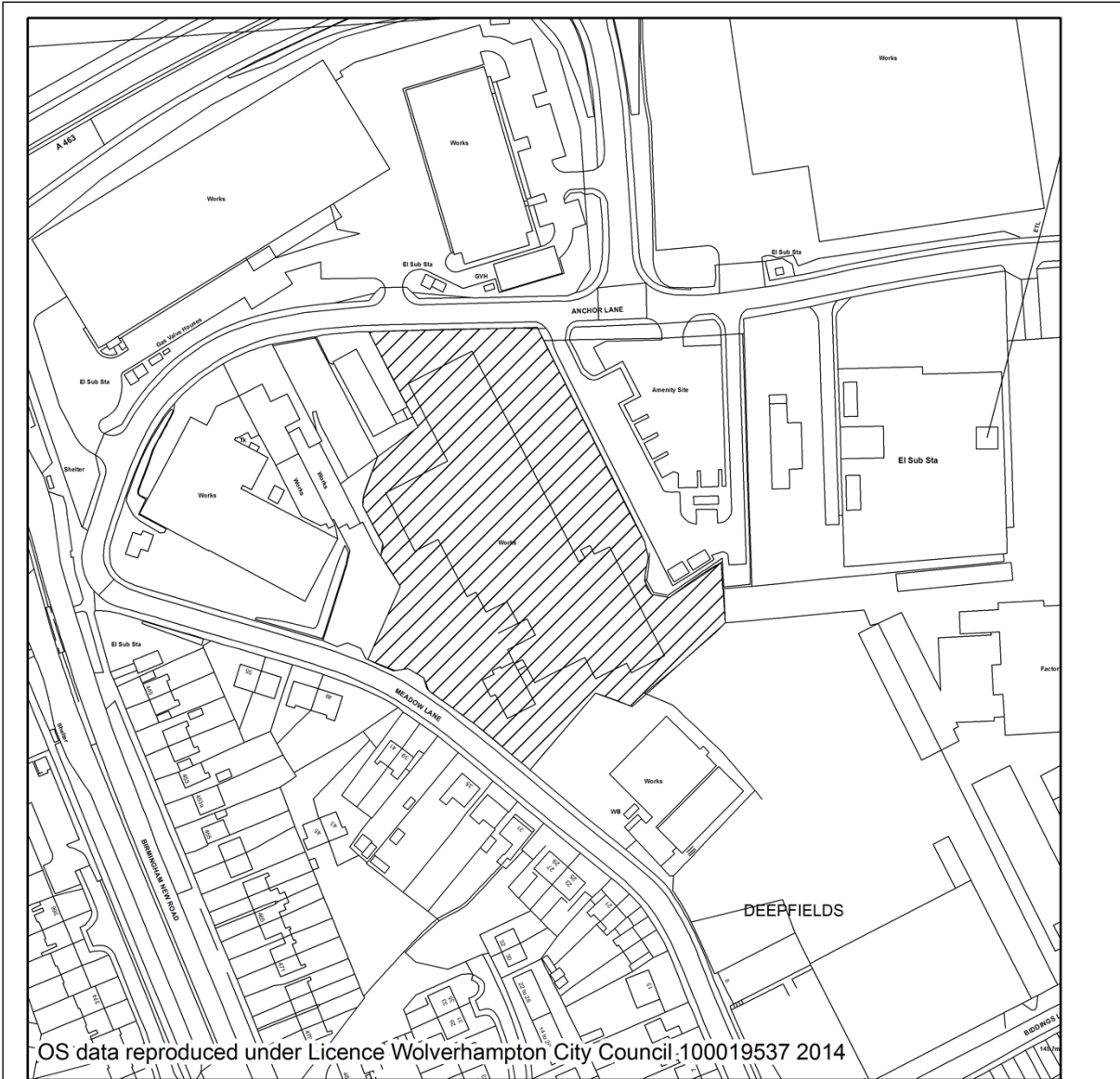
12 Detailed Recommendation

12.1 That planning application 14/01286/FUL be granted, subject to any appropriate conditions including:

- Matching materials
- Swept path analysis
- Cycle parking
- Details of internal layout showing construction of walls/ceilings
- Acoustic insulation/attenuation schemes
- Acoustic glazing/ventilation
- Hours of opening 08.00 – 20.00 hours Monday to Sunday
- Restrict use to gymnasium, hot yoga and recording studio only

Note for Information

- Landfill Gas
- Mining Area



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Planning Committee

20 January 2015

Planning application no.	14/01291/FUL
Site	229 and 231 Penn Road, Penn
Proposal	Apartment development (38 flats)
Ward	Penn
Applicant	McCarthy and Stone Retirement Lifestyles Limited
Agent	The Planning Bureau Limited
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Strategic Director Place
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 conditions and a section 106 agreement.

2. Application site

- 2.1 The application site is 0.4 hectares and located 1.5 miles south of the City Centre on the eastern side of the Penn Road. On the site are two detached bungalows set back from the road behind trees, three of which are protected by Tree Preservation Orders. To the north are houses on the Penn Road and the rear gardens of housing on Witton Road. To the east, are the rear gardens of housing on Goldthorn Crescent and to the south, are the rear gardens of housing on Alexandra Road.
- 2.2 There is not a regular building line in this part of Penn Road. The houses to the south are set back only 5m from the back edge of footway, while the bungalows on the application site are set back 40m and the houses to the north set back 35m and 25m.

3. Application Details

- 3.1 The application proposes the demolition of the bungalows and the erection of an apartment building including 38 one, two and three bedroomed flats. The building would be set back from the road behind the existing trees and a car park with 30 parking

spaces. A stepped front building line is proposed. To the rear, the building would project 37 metres beyond the house to the north (no.229A Penn Road) but it would narrow along its central axis away from the side boundaries. Looking from the road, the left hand side of the building would be two and two and a half storeys, rising to four storeys in the middle and reducing to three storeys on the right hand side. To the rear the building would reduce to three storeys.

- 3.2 The supporting statement says that the apartments would likely be for people of retirement age who are seeking independent living accommodation.

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:

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 support and two letters of objection have been received.

Supporting comments as follows:

- Apartments, particularly for older people are needed in Penn
- This is a good location for apartments, sited nearby to bus stops, shops and a library
- The proposals will benefit local shops
- The proposal is in keeping with the area, and takes account of the amenities of the occupier at 229a Penn Road
- The proposal will be tastefully built and improve the aspect of the area

Objections

- Overdevelopment
- Insufficient shared amenity space
- Loss of trees
- Appearance, site coverage, scale and massing out of character
- Detrimental to neighbour amenity - overlooking and loss of outlook
- Insufficient car parking provision leading to on-street parking
- Detrimental to traffic flow and safety

7. Internal Consultees

- 7.1 Transportation, Landscape & Ecology and Environmental Health – No objection.
- 7.2 Trees – No objection subject to tree protection measures, including no dig excavation method for the car parking bays nearest to the three protected trees along the Penn Road frontage.

8. External Consultees

- 8.1 Severn Trent Water Ltd - No objection subject to conditions relating to the submission of sustainable drainage details including an assessment of the hydrological and hydrogeological context.

9. Legal Implications

- 9.1 Planning obligations must comply with the following tests:
- (i) they must be necessary to make the development acceptable in planning terms
 - (ii) they must be directly related to the development and
 - (iii) they must be fairly and reasonably related in scale and kind to the development (LD/07012015/A)

10. Appraisal

- 10.1 The key issues are:-
- Siting and scale
 - Impact on neighbours amenity
 - Impact on trees
 - Shared private amenity provision
 - Access and parking
 - Section 106 requirements

Siting and Scale

- 10.2 Although the building would be higher than those in the immediate vicinity, because it would be set back from the road behind existing trees it would not be unduly prominent in the street scene. The stepped front building line would bridge the gap between the established building lines to the north and south.

- 10.3 The building would extend into the existing garden area to the rear but this would be acceptable because of the substantial garden space in which it would sit.

Impact on neighbours amenity

- 10.4 The proposed siting of the building takes account of the positions of windows in the side of the neighbouring house, 229A Penn Road, and the building steps away from the side boundary and the roof line is lowered, to avoid an overbearing impact. The

owner/occupier of 229A has written in support of the application. They say that the proposal has taken into account their needs particularly because of the removal of an existing tree which restricts light to their side windows and also because the plans were amended to include a lower roof height at the front and side of 229a

- 10.5 The south facing side wall of the building would be a minimum of 21 metres from the rear of houses on Alexandra Road, with no upper floor habitable room windows in the upper floors. Therefore, there would be no overbearing affect or material loss of privacy to the occupiers of those houses.
- 10.6 The upper floors of the north facing elevation of the building include hall windows. A condition can require that these windows are obscurely glazed and fixed closed.

Impact on Trees

- 10.7 The three trees protected by TPO on the Penn Road frontage are to be retained. Although there would be some tree removal, particularly to the rear of the site, this would not be unacceptable.

Access and Parking

- 10.8 There is sufficient car parking provision to meet expected demand and the access off Penn Road is acceptable.

Section 106 requirements

- 10.9 There is a policy requirement for the following to be secured through a Section 106 planning obligation:
- £99,137 off-site open space contribution to be spent on improvements to Windsor Avenue open space
 - 25% affordable housing
 - Targeted recruitment and training
 - Management company
- 10.10 The applicant is seeking a reduction in Section 106 obligations on the grounds of a lack of viability.
- 10.11 It would be appropriate to reduce the Section 106 requirements commensurate with any lack of viability which may be demonstrated, with such a reduction being on a pro-rata basis for flats that are ready for occupation within 3 years of the date that a lack of viability is established, to reduce the likelihood that the developers would benefit unduly from rising home prices making the development viable. These section 106 requirements would meet the relevant tests.

11. Conclusion

- 11.1 Subject to conditions and a Section 106 as recommended, the proposal would be acceptable and in accordance with the Development Plan.

12. Detailed Recommendation

12.1 That the Strategic Director Place be given delegated authority to grant planning application 14/01291/FUL subject to:

If the development is financially viable:

(i) A Section 106 planning obligation for the following

- £99,137 off-site open space contribution to be spent on improvements to Windsor Avenue open space
- 25% affordable housing
- Targeted recruitment and training
- Management company

If the development is not fully financially viable:

A reduction in Section 106 requirements (except for management company) commensurate with the shortfall in viability on a pro-rata basis for all flats 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

(ii) any appropriate conditions including:

- Materials;
- Landscaping;
- Tree protection measures;
- Demolition and construction management plan;
- Drainage
- 10% renewable energy
- Hours of construction to be between 0800 to 1800 Monday to Friday; 0800 to 1300 Saturday and at no time on Sundays or Bank and Public Holidays
- Site waste management plan
- Boundary treatments
- Provision and retention of car parking
- Existing and proposed finished floor levels
- Cycle/motorcycle parking
- Bin stores
- Fixed closed and obscure glazing for upper floor north facing landing windows
- Bat and bird protection measures
- Levels



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Planning Committee

20 January 2015

Planning application no.	14/01300/FUL
Site	1 Red Lion Street
Proposal	Change of use of part of vacant ground floor and basement to tea room. Erection of decking area with outside shisha smoking area.
Ward	St Peter's
Applicant	D Sabri
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Strategic Director Place
Planning officer	Name Ann Wheeldon Tel 01902 550348 Email Ann.wheeldon@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is a large former retail unit located within the city centre conservation area. It fronts on to Red Lion Street with the rear visible from Waterloo Road.

2.2 The unit has been vacant for over ten years.

3. Application Details

3.1 The proposal is for the change of use of part of vacant ground floor and basement to a tea room with the erection of a decking area with outside shisha smoking area.

4. Planning History

4.1 A planning application for a change of use for mixed use B1, A1, A2, A3 and conversion to create 19 flats went before planning committee in 2008. Planning committee resolved to give delegated authority to grant, subject to a Section 106 agreement being signed. This was never signed and the application was officially 'not determined'.

5. Relevant Policy Documents

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

6. Environmental Impact Assessment Regulations

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

7. Publicity

- 7.1 Two objections have been received (one from the adjacent office and the other from Councillor Roger Lawrence) on the following planning grounds:

- Impact on air quality
- Impact on public health
- Fire hazard

8 Internal Consultees

- 8.1 Historic Environment – No objections
- 8.2 Environmental Health – comments awaited with regards to compliance with the relevant smoking legislation.

9. Legal Implications

- 9.1 There are no direct legal implications arising from this report (LD/08012015/E)

10. Appraisal

- 10.1 The principal use of the unit would be as a tea shop, with an ancillary outdoor shisha smoking area. This usage is appropriate within the city centre.
- 10.2 The application property has been vacant for over ten years and its refurbishment would be welcome.
- 10.3 To the rear of the application site is a car park, with commercial premises to either side of this. The proposed shisha area would be located on decking to be erected immediately to the rear of the building.
- 10.4 The proposed opening hours would be 5pm until 2am, meaning that the majority of the time of use would be outside normal office working hours.

- 10.5 Whilst the impact on public health is acknowledged, in this case, due to the location of the smoking area away from the highway, the proposed hours of operation and the size of the smoking area, it is not sufficient to refuse planning permission.
- 10.6 The objections also reference other issues including building control, fire safety and licensing. These are not material planning considerations and are dealt with by Building Control, the Fire Authority and the Licensing department under separate, more appropriate, legislation.
- 10.7 There would not be a material impact on the character and appearance of the conservation area from the proposed decking area or change of use.
- 10.8 The proposal would bring a large long-vacant unit located in the city centre back into use, creating at least four jobs.

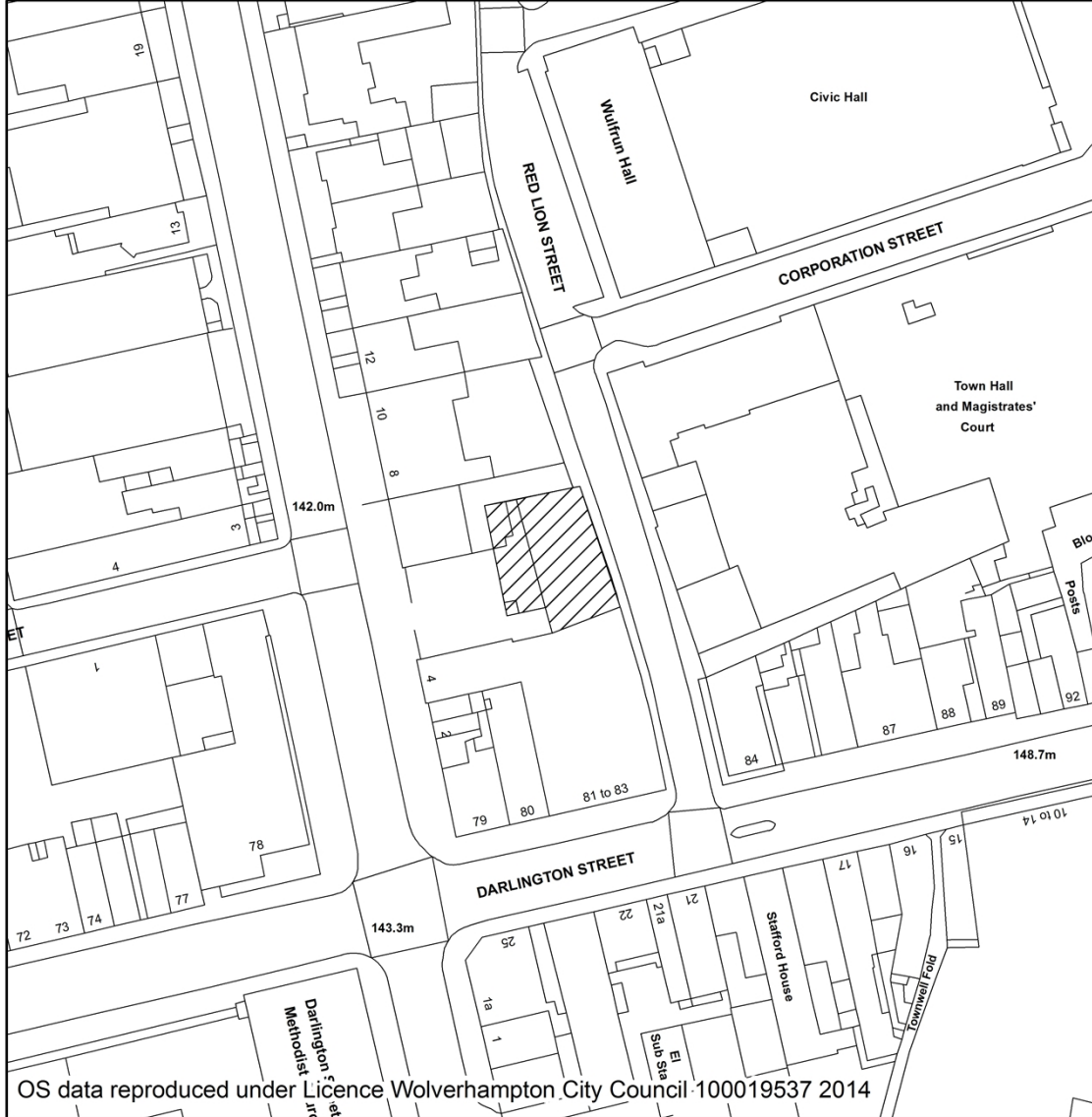
11. Conclusion

- 11.1 Subject to conditions, the proposal is acceptable and in accordance with the development plan.

12. Detailed Recommendation

- 12.1 That planning application 14/01300/FUL be granted, subject to any appropriate conditions including:
- Submission of decking materials
 - Hours of opening

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Planning Committee

20 January 2015

Application no.	14/01309/TR	
Site	Land to the front of 8 Surrey Drive, Wolverhampton	
Proposal	Felling of 1 pine tree, located on the grass verge.	
Ward	Park	
Applicant	Mr R Evans	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable director	Tim Johnson, place	
Planning officer	Name	Charlotte Morrison
	Tel	01902 551357
	Email	Charlotte.morrison@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Refuse the application to fell a protected tree.

2. Site and Tree Details

- 2.1 The tree is located halfway along Surrey Drive's eastern side. The verge, and the tree are part of the public highway and therefore Council owned. The applicant is a private householder and the permission of the Council of landowner has not been given for the work.
- 2.2 There are a number of large mature trees in the vicinity many of which are covered by tree preservation orders.
- 2.3 The tree itself is a fully mature Corsican pine. It stands in Surrey Drive's eastern grass verge 7.8 metres west of the front of No8. The pine has a single defect free lower stem of 76 cm diameter. The tree appears to be in good health and is managed by the City Council.
- 2.4 The relevant Tree Preservation Order is the Merridale Grove 1960.

3. Application Details

3.1 The application seeks to remove the tree

4. Planning History

4.1 07/00125/TREE – Application to fell - Refused

4.2 07/00125/TREE – Appeal against decision to refuse application – appeal dismissed.

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)
The Tettenhall Neighbourhood Plan

6. Environmental Impact Assessment Regulations

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

7. Publicity

7.1 The application has been advertised as part of the application process by way of a site notice and 2 objections have been received since the site notice was erected, however a number of representations were sent in with the application and form part of it. The details of these are outlined here and they have been considered as objections to the application.

7.2 10 letters in support of the application have been received citing the following issues;-

- The pavement being damaged by roots
- The tree canopy remain all year round and during strong winds causes concern to residents
- The tree is dangerous
- Falling pine cones and needles cause damage to cars
- Needles make the ground slippy
- A large branch fell from the tree and might have caused serious injury
- Removing the tree will not destroy the ambience of the road
- Clogging up of guttering
- Problems caused by roosting birds
- Damage to the footpath

8. Internal Consultees

8.1 The arboricultural manager has commented that:

1. This tree is included on the authorities Highway Tree Maintenance Programme and is inspected every 4 Years.
2. As part of this inspection the tree receives appropriate arboriculture maintenance, this ensures that the tree remains healthy and reduces the risk of failure during normal weather conditions.
3. This tree was last maintained and inspected on 4 December 2013; where all dead branches were removed and a visual inspection was carried out.
4. Regarding the resident concerns of branches failing during high winds, the tree has been inspected on these occasions and found to be healthy with no visible sign of decay or disease that would lead us to believe the tree was unsafe during normal weather conditions.
5. The resident concern regarding tree debris, resin, honey dew, birds fouling are naturally occurring process that cannot be altered by arboriculture procedures.

8.2 As stated above this tree is a healthy example of the Pinus genus when growing in a Highway environment, as part of the Authority's Risk Management System it does not represent a risk of failing during normal weather conditions and until such time its health changes there are no plans for its removal.

9. Legal Implications

9.1 The law on Tree Preservation orders is in Part VIII of the Town and Country Planning Act 1990 and related Regulations. A Tree Preservation Order is an order made by a local planning authority to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the, cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the local planning authority's written consent.

9.2 Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area.

9.3 'Amenity' is not defined in law, so authorities need to exercise judgment in considering whether a tree is significant in amenity terms.

9.4 There are a limited set of circumstances in which consent to fell a protected tree can be granted for example in this case it would need to be dying, or be liable to cause risk of serious harm. If an application is refused compensation may be payable in limited cases
(LD/08012015/C)

10. Appraisal

10.1 The key issues are:-

- The previous appeal decision
- Contribution of the tree to the amenity of the area
- The current application
- Weather Damage
- Roosting / Nesting birds and Tree Resin
- Needles and Cones

The previous application and appeal decision

10.2 A previous application to fell the tree was refused and dismissed at appeal. There have not been any material changes in the circumstances of the tree since this application and appeal were dealt with. None of the evidence submitted suggests that the situation is any different to that which existed at the time. All of the issues have been previously considered. The application is very limited in evidence from a suitably qualified person, despite being requested on the application forms. The rest of this report draws heavily on the Inspectors decision letter.

Contribution of the tree to the amenity of the area

10.3 The tree is an attractive specimen which, being visible over a wide area, makes a significant contribution to the general amenity of the area. The pine is almost 22 metres tall with a stem diameter of 76 centimetres measured at 1.5 metres high.

10.4 There is a crack in the pavement to the front of number 10 which does affect the pavement at the entrance to the driveway. Although it is possible that this has been caused by tree roots, there is no substantive evidence that this is the case. Notwithstanding this this type of damage does not provide justification for the removal of a healthy tree.

10.5 The tree is isolated from other trees, and is set in a shallow valley, this brings the trees canopy to a prominent level from higher ground to the west and east. The tree is prominent from several vantage points around the site and is one of several large trees which provide evidence of a previous land use and therefore is of historic interest. The Inspector considered, for these reasons, that the tree was very significant to public amenity.

10.7 There is no evidence of significant defects and it has been well managed by the City Council.

The current application

10.8 Although the application gives basic details of the tree and provides letters from residents in support of its felling the application has failed to engage a specialist in order to evaluate the tree and no substantive information has been provided in connection with it.

Weather damage

- 10.9 As a tall tree it moves considerably in the wind, the Inspector considered that any tree can be blown over in a violent gale but that the objective risk of windthrow is relatively low. It is accepted that the swaying of the tree in high winds may lead residents to feel anxious. Numbers 6,8 and 10 Surrey Drive are within tree-height distance from the tree. The risk of branches ripping off the tree in strong winds is moderate. As noted by a number of the representations a branch was blown off the tree in December 2006 and a small branch fell in April 2007. The risk such a branch would pose to adjacent properties and the chance of a person being hit by a branch was, in the view of the Inspector, relatively low. The Inspector considered that the trees owner should not hesitate to remove dead branches. The tree is inspected regularly and is considered to be in good health and condition. On balance the relatively low potential for weather damage is not justification for removal of the tree.

Roosting / Nesting birds and Tree Resin

- 10.10 The tree provides easy take-off and landing for birds having long bare branches set well above ground in an open canopy. It is difficult to control birds and there is seldom a successful legal method of deterring them. The main amenity space of the affected properties is the rear garden which is not affected by any bird droppings. The driveways to the properties slope towards the road and as such the Inspector considered that periodic swilling with water and brushing of the front paving should be sufficient to remove bird mess from the front gardens. The footpath is the responsibility of the City Council.
- 10.11 As well as bird droppings resin from the tree is likely to drop onto cars parked at 8 Surrey Drive both bird droppings and resin can permanently damage paintwork if left on and allowed to harden, this does often necessitate daily cleaning. The Inspector considered that bird droppings and resin from the tree do not provide sufficient reason to justify its removal. There is no change to this circumstance.

Needles and Cones

- 10.12 The Inspector acknowledged that copious volumes of needles and cone parts would be shed from the tree and that the worst affected property would be 8 Surrey Drive. The Inspector went on to say that the lower gutter is easy to clean out but the upper gutter would be more difficult. The Inspector considered that gutter guards could ease the problem. The difficulty of cleaning gutters and other material falling from a healthy tree is not justification for its removal.

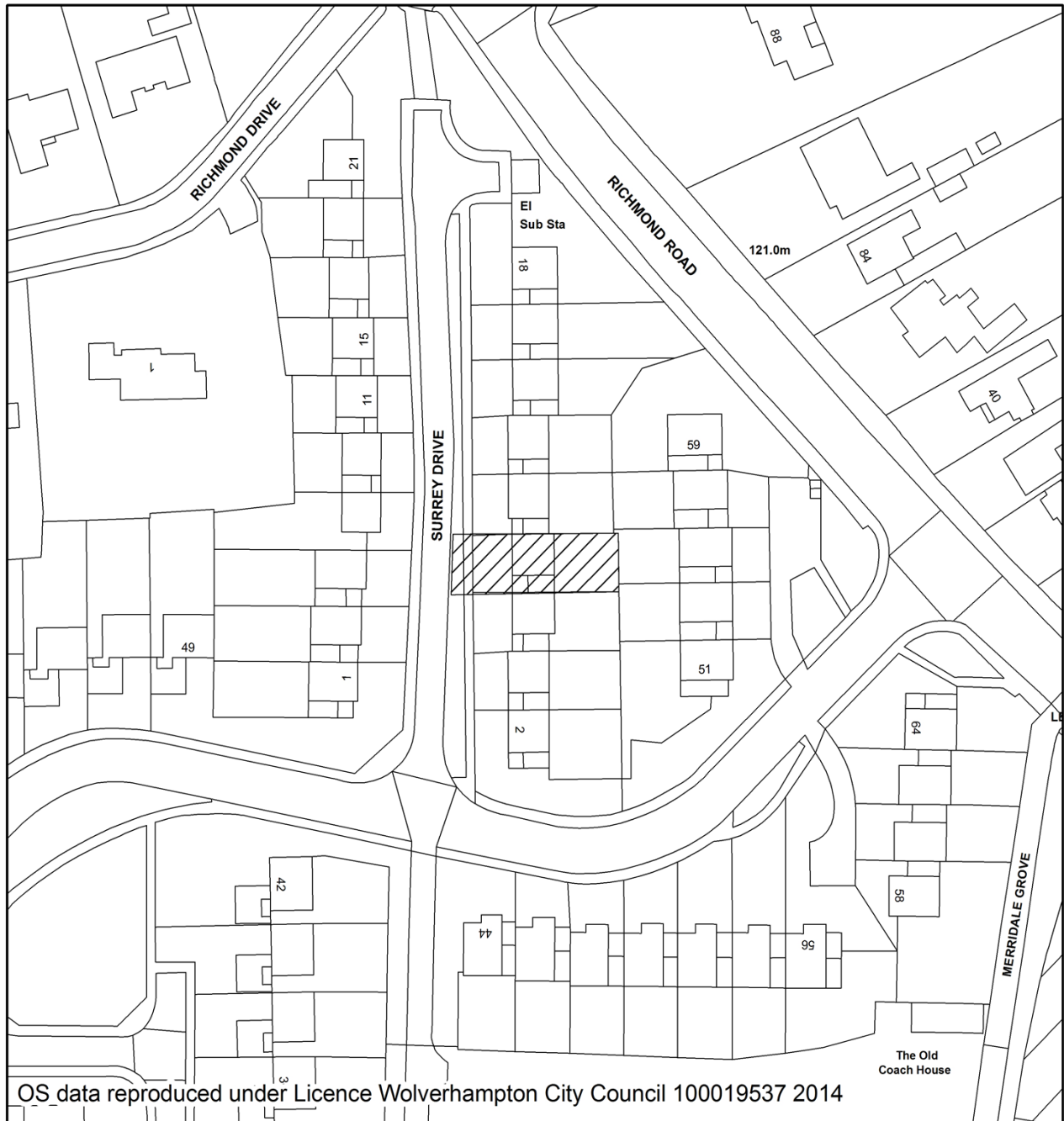
11. Conclusion

- 11.1 Given the previous appeal decision, the lack of any material change in circumstances, and the continued health and prominence of the tree there is no justification for its removal.

12. Detailed Recommendation

12.1 That the application be refused for the following reasons;

The applicant has failed to provide any technical or substantive information in connection with the application. The tree is healthy and well managed and there is not sufficient justification for its removal.



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Planning Committee

20 January 2014

Report title	Wolverhampton City Council (Land to the Rear of 15 Tinacre Hill No 2) Tree Preservation Order (TPO) 2014	
Cabinet member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Wards affected	Tettenhall Wightwick	
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

1 Summary Recommendation

- 1.1 Confirm the Wolverhampton City Council (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order (TPO) 2014.

2 Background

- 2.1 The trees are located on a piece of land lying to the rear of Tinacre Hill between Quail Green and Rookwood Drive.
- 2.2 The site was previously informal woodland / open space and may previously have formed part of the garden of a neighbouring property. A large number of trees and shrubs have been cleared leaving the three Silver Birch trees subject of the interim order and two Sycamore trees which were subject of a previous order, served in 2001.
- 2.3 Once the site had been cleared it became apparent that the three silver birch trees were at risk and worthy of protection. A number of other trees on the site were assessed but were not worthy of protection, these trees have since been removed.
- 2.4 The site has been subject to an outline planning application (ref 14/00982/OUT) for four houses which was refused on 8th October 2014.

2.5 An interim order to protect three Silver Birch trees was made and served on 22nd October 2014. The trees are located on the eastern boundary of the site as shown on the attached plan.

3 Assessment of the protected trees

3.1 The three trees are substantial and mature in stature, being in excess of 10 metres in height. They are a prominent feature in the local landscape and the clearance of the surrounding land has highlighted their amenity value.

3.2 The trees are suitable to their setting, being located to the rear of the site. The trees have a useful life expectancy of over 30 years. The trees do not prevent development of the site per se but should be protected in order to retain their amenity value.

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)
The Tettenhall Neighbourhood Plan

5 Legal Implications

5.1 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. Legal implications reference LM/09012015/T

6. The Objection

6.1 The objection is made by the owner of the land and makes the following points;

- 1 Increasing the number of TPO'd trees from 2 to 5.
- 2 The order was not issued in time to protect trees which had already removed.

- 3 The trees which are now protected have not been removed.
- 4 The site owner has not disregarded the TPO.
- 5 The trees create an issue for the proposed development. The owner is prepared to discuss a landscaping scheme which includes planting new trees as a replacement.

7 Appraisal

- 7.1 The key issue is whether the owner has raised any issues in objection which would justify the removal of the trees and as such lead to the TPO not being confirmed.
- 7.2 Points 1 to 4 are accepted but do not form objections to the TPO.
- 7.3 Point 5 suggests that the trees create an issue for the proposed development, but the owner has not identified what the issues are. It is accepted that a landscaping scheme would be required as part of any future development this would be achieved by way of condition on any planning permission.

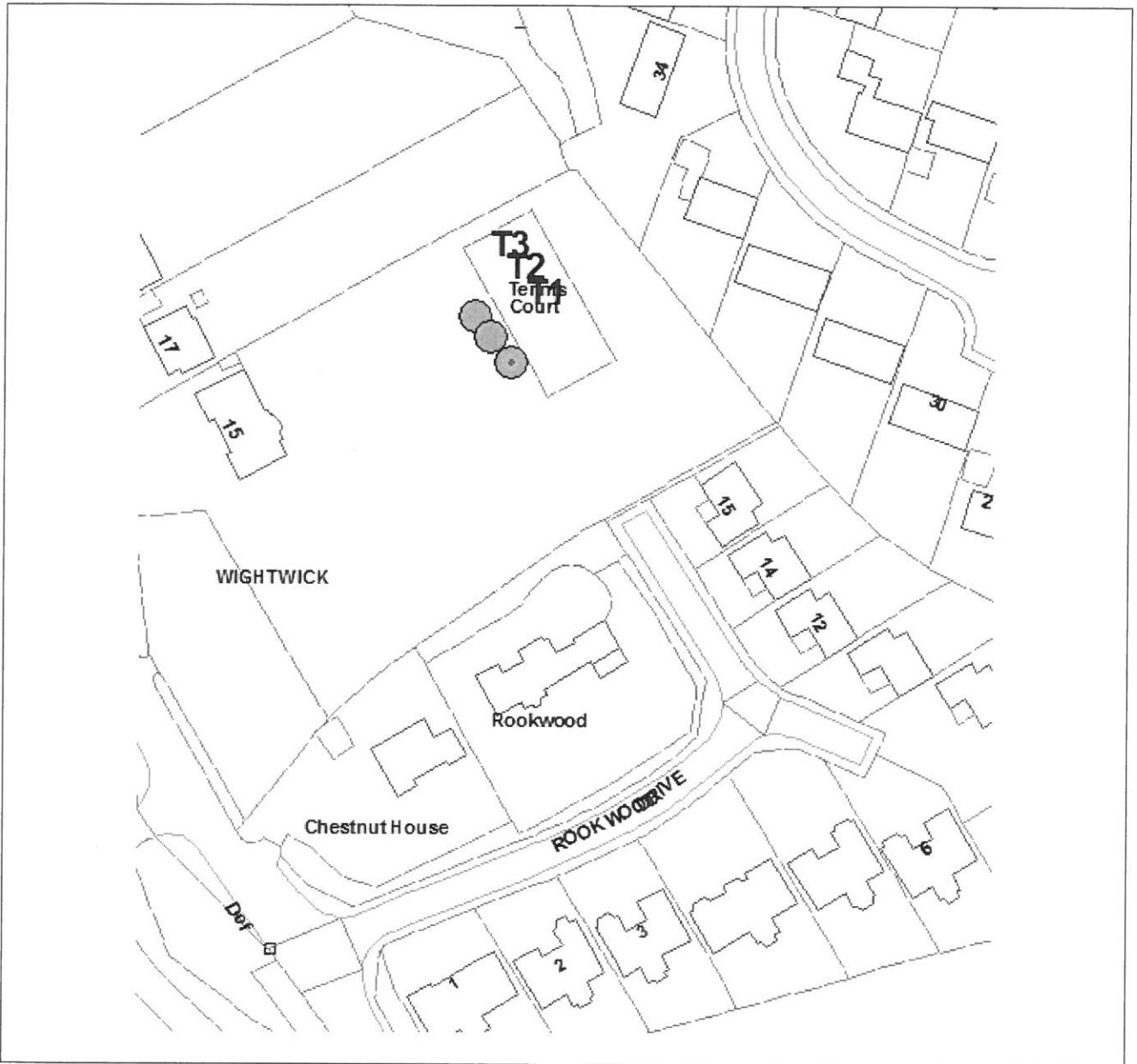
8.0 Conclusion

- 8.1 The Silver Birch trees are of significant amenity value and should continue to be protected by the Wolverhampton City Council (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order 2014.

9.0 Detailed Recommendation

- 9.1 That the Wolverhampton City Council (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order 2014 be confirmed .

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O/S coordinates (easting): 386523

O/S coordinates (northing): 298603

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 (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order 2014.	Reference Number: - 14/00010/TPO
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