

**CITY OF WOLVERHAMPTON COUNCIL**  
**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order**  
**2010 (as amended)**

**Agent**

Mr Peter Bromley  
Hawkestone  
Great Moor Road  
Pattingham  
WV6 7AU

**Applicant**

Mr David Bromley  
Orchard House  
6 Elmsdale  
Wolverhampton  
WV6 9ED

<b>Our Ref:</b>	21/00252/OUT
<b>Site:</b>	Orchard House, 6 Elmsdale, Wolverhampton, West Midlands, WV6 8ED
<b>Proposal:</b>	Outline permission for 1 house (two storey split level, four bedroom) all matters reserved (same scheme as approved in 2017)

City of Wolverhampton Council as the Local Planning Authority hereby **Grant Outline Permission** for this development, in accordance with the approved plans and drawings, subject to the following conditions.

1. The development hereby permitted shall accord with the following drawings: -

Plan Type	Reference	Date Received
Block Plan	04	26 February 2021

Reason: - For the avoidance of doubt.

2. Prior to the commencement of the development, details of the following reserved matters shall be submitted to, and approved in writing by, the local planning authority:

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping (including hard landscaping and boundary treatments);

The development shall be carried out in accordance with the approved details.

Reason: - To comply with Section 92 of the Town and Country Planning Act as amended.

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**Date.:** June 3<sup>rd</sup> 2021



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3. Application for approval of the matters referred to in Condition 2 must be made not later than the expiration of three years from the date of this permission.

Reason: - Pursuant to Section 92 of the Town and Country Planning Act 1990

4. The development to which this permission relates shall begin not later than whichever is the later of the following dates, namely:

the expiration of three years from the date of this permission, or  
the expiration of two years from the final approval of the said reserved matter(s) (or in the case of approval on different dates, the final approval of the last such matter to be approved).

Reason: - Pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (PCPA).

5. During the construction phase of this development, working hours and commercial vehicle movements to or from the site during construction shall be restricted to [0800 to 1800] hrs Mondays to Fridays and [0800 to 1300] hrs Saturdays, and at no time on Sundays or Bank and Public Holidays.

Reason: In the interests of the amenity of the area. Relevant UDP policies B5 and EP5

6. Prior to the commencement of development, the applicant shall submit a scheme for the provision of electric recharging points in accordance with the "type 1" mitigation requirements, for written approval by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development and shall be maintained for the life of the development. (This would equate to one charging point)

Reason: In the interests of creating a sustainable form of development and to encourage the use of low emission vehicles. Relevant UDP policy ENV8 (Air Quality) and BCCS DEL 1 (Infrastructure Provision).

7. External lighting  
Prior to the commencement of development an external lighting scheme (to include design, siting, direction and avoidance of glare and spillage in order to not cause disturbance to bats) shall be submitted to and approved in writing by the local planning authority. The lighting must be in accordance with Appendix 2 recommendations included in the Ecological Assessment by Star Ecology, Dr R.M Jones dated June 2021. The approved scheme shall be maintained thereafter.

The lighting must (as stated by Dr R.M Jones' Ecology Report):

- Use Light emitting diodes (LED) luminaries

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- Have a warm white spectrum <2700 Kelvin (degrees colour temperature)
- Have peak wavelengths higher than 550nm
- Be set on motion-sensors
- Use short duration (e.g. one minute) timers
- Not be in the vicinity of, or shine towards, boundary vegetation

Reason: In the interests of the amenity of the area and to protect and enhance the wildlife resources, in this case the bats passing through the site. Relevant UDP policies EP1, EP4, B5, D12, N1 and N9.

8. Prior to commencement of development, any felling of trees and clearing of hedges in the nesting season (i.e. between October 1<sup>st</sup> and March 1<sup>st</sup>) must be carried out under the supervision of a qualified ecologist, in accordance with Appendix 3 recommendations included in the Ecological Assessment by Star Ecology, Dr R.M Jones dated June 2021.

Reason: To protect and enhance the wildlife resources of the site. Relevant UDP policies D12, N1 and N9

9. Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the local planning authority. The development shall be built in the materials approved.

Reason: In the interests of visual amenity. Relevant UDP policies D9 and D1

10. Prior to the commencement of the development large scale drawings of the architectural elements (to include windows, doors, eaves, walls, panels, insets, roofs, bays, porches, canopies, balconies, rainwater goods and joinery) to be used externally shall be submitted to and approved in writing by the local planning authority. The development shall be built in accordance with approved details.

Reason: In the interests of visual amenity. Relevant UDP policies D9 and D1

11. Prior to the commencement of the development, details for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority and the works shall only be carried out in accordance with those details so approved. Such water disposal shall whenever practical be disposed of on site without the need for connection to any mains system.

Reason: To ensure that the development is provided with satisfactory and sustainable means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution. Relevant UDP policy is EP9.

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12. No development shall take place until details of all proposed excavations, and existing and proposed site levels have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading of land areas including the levels and contours to be formed, showing the relationship of proposed levels to existing surrounding landform and buildings and areas required for drainage purposes. Development shall be carried out in accordance with the approved details.

Reason: In order to secure a satisfactory development of the site and in the interests of amenity. Relevant UDP Policies in the Design chapter and H6.

13. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP), and an Arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities.
- b) Methods of demolition / existing surface removal within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) A specification for protective fencing (or other such physical barriers as appropriate) to safeguard trees during both and construction phases and a plan indicating the alignment of the protective fencing (if any alterations are required / proposed from the TPP already submitted as part of the application) .
- d) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- e) details of Arboricultural supervision and inspection by a suitably qualified tree specialist throughout the development, and in particular during any works within the RPA of any retained trees to ensure adherence with the agreed tree protection details.
- f) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- g) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses or other existing and proposed levels.
- h) Details of any proposed level changes on site, and details of how these shall be integrated with the existing levels within the Root Protection Areas of the trees to be retained, which are to remain unchanged throughout the development.

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The development thereafter shall be implemented in strict accordance with the approved details.

**Reason:** Required to satisfy the Local Planning Authority that the trees to be retained will not be damaged during site preparation or construction and to protect and enhance the appearance and character of the site and locality, in accordance with UDP policies N1, D6 and D12 and pursuant to section 197 of the Town and Country Planning Act 1990

### **Reasons for Approval:**

The proposal is an outline application with all matters reserved, hence amenity issues with regards to sitting, appearance, access, layout and landscaping are all matters to be dealt separately with a 'reserved matters application'. With regards to protected species, a Preliminary Ecological Assessment was submitted by the applicant, the Council's Ecologist concluded no further assessments required subject to conditions included in this decision notice. Therefore, the use of the site for one two storey split level, four-bedroom residential dwelling house is acceptable in principle. The proposal is still consistent with current UDP Policies as per the original planning applications.

### **Notes for Information**

Any policies referred to on this decision notice are the policies of the Black Country Core Strategy (BCCS), adopted 3<sup>rd</sup> February 2011 and the saved policies of the Wolverhampton Unitary Development Plan (UDP), adopted in June 2006, unless otherwise stated. The BCCS and UDP can be viewed at the Planning and Building Control Reception on the second floor of the Civic Centre or alternatively on the Council's Website, at [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk)

Please note that conditions attached to this consent may require details to be submitted to and approved by the Council. Submissions will need to be made with the appropriate fee using the form from [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Also, please note that some conditions must have been discharged in writing, **before** any work on site can commence.

In dealing with the application, the local planning authority has worked with the applicant in a positive, creative and proactive manner to secure a development that will improve the economic, social and environmental conditions of the area, in accordance with paragraph 38 of the National Planning Policy Framework (February 2019).

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### Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. You must do so within 6 months of the date of this notice on a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 0000) or online at <https://www.gov.uk/appeal-planning-decision>.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Your proposed project requires **Building Regulations Approval** so please contact them on **01902 555595**, email [building.control@wolverhampton.gov.uk](mailto:building.control@wolverhampton.gov.uk) or visit our website [www.wolverhampton.gov.uk](http://www.wolverhampton.gov.uk) for pre-application advice.

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