



Planning Committee

10 January 2017

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

Membership

Chair Cllr Linda Leach (Lab)
Vice-chair Cllr Dr Michael Hardacre (Lab)

Labour

Cllr Harman Banger
Cllr Greg Brackenridge
Cllr Welcome Koussoukama
Cllr Louise Miles
Cllr Anwen Muston
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley

Conservative

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 - 8 November 2016 (Pages 3 - 10) [To approve the minutes of the previous meeting as a correct record]
4	Matters Arising [To consider any matters arising]

DECISION ITEMS

5	16/01028/REM - Motor Fuel Ltd, Compton Service Station, Bridgnorth Road, Wolverhampton , (Pages 11 - 16) [To consider the application]
6	16/01104/FUL - Wolverhampton Girls School, Tettenhall Road (Pages 17 - 20) [To consider the application]
7	16/00949/FUL - 1 Woodfield Avenue, Penn, Wolverhampton (Pages 21 - 28) [To consider the application]
8	16/01001/FUL - Land North of 60 Barnard Road (Pages 29 - 34) [To consider the application]



Planning Committee

Minutes - 8 November 2016

Attendance

Councillors

Cllr Dr Michael Hardacre (Vice-Chair in the Chair)
Cllr Greg Brackenridge
Cllr Louise Miles
Cllr Anwen Muston
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson

Employees

Stephen Alexander	Head of Planning
Lisa Delrio	Senior Solicitor
Martyn Gregory	Section Leader
Andy Carter	Senior Planning Officer
Paul Lester	Planning Officer
Ragbir Sahota	Planning Officer
Phillip Walker	Planning Officer
Mike Hooper	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for absence**

Apologies for absence were received from Councillors Leach and Yardley.

2 **Declarations of interest**

Cllr Louise Miles declared a non-pecuniary personal interest in agenda item 9, 16/00861/FUL, Land at Stafford Street, as an employee of the University of Wolverhampton.

Cllr Anwen Muston declared a non-pecuniary personal interest in agenda item 10, 16/00678/FUL, Land between New Street, South Street and the Keyway, Portobello, following comments made to the Express and Star in relation to the proposed development. However, she added that she had approached the matter with an open mind.

3 **Minutes of the previous meeting - 6 September 2016**

Resolved:

That the minutes of the meeting held on 6 September 2016 be confirmed as a true record and signed by the Vice-Chair.

4 **Matters Arising**

There were no matters arising.

5 **16/00366/FUL - 7 Rookwood Drive, Wolverhampton**

The Committee considered a report in relation to planning application 16/00366/FUL, proposed first floor rear extension.

Martyn Gregory, Section Leader (Planning) reported an additional objection received to those detailed in paragraph 6.1 of the report, potential flooding to the rear of Quail Green.

Karen Squire addressed the Committee in opposition of the application.

Resolved

That planning application 16/00366/FUL be refused for the following reasons:

- Adverse impact on neighbours amenity (loss of light)
- Massing
- Overdevelopment of the site
- Contrary to Unitary Development Plan Policies D4, D8, D9 and H6 and Black Country Core Strategy Policies ENV 2 and CSP4

6 **16/00482/FUL - 99 Wellington Road, Wolverhampton**

The Committee considered a report in relation to planning application 16/00482/FUL, erection of 14 houses with associated roads and parking.

Mrs Pitt addressed the Committee in opposition of the application.

Resolved

That planning application the Strategic Director of Place be given delegated authority to grant planning application 16/00482/FUL subject to:

(i) Completion of a S106 Agreement to secure:

- Public Open Space contribution
- 10% Renewable Energy provision

Pro-rata off-site open space contribution and 10% renewable energy provision for all dwellings that are not ready for occupation within 3 years of the date that a lack of viability was established.

(ii) Any appropriate conditions including

- Materials
- Landscaping
- Boundary treatments (including traffic barrier(s))
- Drainage
- Levels
- Construction Management Plan
- Tree protection measures
- Site Investigation
- Coal Mining
- Acoustic glazing and ventilation
- Tree protection measures
- Electric vehicle recharging points
- Remove PD rights for windows at first floor to Plots 2 and 10
- Targeted Recruitment and Training
- Extend splitter island on Wellington Road
- Traffic Regulation Orders to protect existing highway junctions

7 16/00938/FUL - Doctors Surgery, 1 Tudor Road, Wolverhampton, WV10 0LS

The Committee considered a report in relation to planning application 16/00938/FUL, conversion of double garage into two doctor's consultation rooms and conversion of roof space over existing garage into a meeting room.

Paul Lester (Planning Officer) updated the Committee regarding the reason for the application, indicating that the application would allow the merger of Tudor Medical Practice and the Heath Town Estate.

The Heath Town Medical Centre, located on Chervil Rise, was part of the community facilities based on the Heath Town Estate. That estate was undergoing major regeneration works to upgrade and improve housing for residents. That meant that the GP was required to vacate the surgery and find alternative accommodation as the block occupied was proposed for demolition.

NHS England, Property Services and the Clinical Commissioning Group had been working with the Council to establish a way forward for the GP. Through those discussions, the NHS had negotiated a merger with another local GP in the area. That would cause the least amount of disruption for patients as well as provide improved facilities.

Resolved

That planning application 16/00938/FUL be approved subject to the following conditions:

- Matching materials
- Restriction of the number of consulting rooms
- A proposed car park layout be approved prior to occupation of the extended facility
- Provision of cycle parking

8 16/01024/OUT - Former bus depot, Cleveland Road

The Committee considered a report in relation to planning application 16/01024/FUL, redevelopment of former bus depot for housing and retail.

Andy Carter, Senior Planning Officer, detailed amendments to the officer recommendations proposed in paragraph 11.1 of the report.

Mark Jackson addressed the Committee in support of the application.

Following a request from Cllr Louise Miles, the Senior Planning Officer undertook to provide her with attendance and feedback figures from a recent community consultation event held by the developer.

The Committee expressed concerns regarding the preservation of the site's heritage, with Members suggesting that the stone sign be preserved on site and that street names reference its transport heritage. The Vice-Chair asked that the developer take note of and consider the ideas put forward.

Resolved

That the Strategic Director Place be given delegated authority to grant planning application 16/01024/FUL subject to the following (which incorporates amended officer recommendations):

(i) A Section 106 Agreement for the following:

- Affordable housing at 25%
- £10k contribution to public realm improvement in Cleveland Road

Or, if the development is found unviable with the obligations at (i), a Section 106 for the following:

- Starter homes at 10%
- £10k contribution to public realm improvement in Cleveland Road

(ii) The following conditions:

- Reserved matters
 - Layout
 - Scale
 - Appearance
 - Landscape
- Materials
- Drainage
- Bin stores
- Cycle and motorcycle parking
- Acoustic glazing
- No balconies to Bilston Road or Ring Road St Georges below second floor level

- Electric Vehicle Charging Points
- Renewable energy
- External lighting
- Plant and machinery sound levels
- Targeted recruitment and training
- Retail opening times:
 - 0600 – 2200 Monday to Saturday
 - 0700 – 2200 Sunday and Bank Holiday
- Retail delivery times:
 - 0700 – 1800 Monday to Saturday
 - 0800 – 1600 Sunday and Bank Holiday
- Land contamination
- 1:50 architect details of the windows and doors of town houses fronting Cleveland Road
- Demolition and construction times:
 - 07:00 – 18:00 Monday to Friday
 - 07:00 – 13:00 Saturday
 - At no time on Sundays and Bank Holidays

9 **16/000861/FUL - Land at Stafford Street**

Cllr Louise Miles left the meeting.

The Committee considered a report in relation to planning application 16/00861/FUL, student accommodation.

Andy Carter, Senior Planning Officer, detailed an addition to the officer recommendations proposed in paragraph 10.1 of the report.

Resolved

That the Strategic Director Place be given delegated authority to grant planning application 16/00861/FUL subject to the following (which incorporates amended officer recommendations):

(i) A Section 106 Agreement for the following:

- £320,000 for recreation and access improvements in Fowlers Park
- Targeted recruitment and training
- Accommodation is restricted to only student accommodation (sui generis)

(ii) Any appropriate conditions including:

- Materials
- Landscaping including boundary treatments and access gates
- Contaminated land
- Mechanical air ventilation system
- Acoustic glazing
- Construction Management Plan including details of vibration from piling
- External lighting
- Green roof

- Bin stores
- Cycle and motorcycle parking
- 10% renewable energy
- Electric vehicle charging points
- Sustainable drainage
- Hours of construction and demolition:
 - 08:00 – 18:00 Monday to Friday
 - 08:00 – 13:00 Saturday
 - At no time on Sundays or Bank holidays
- Hours of deliveries and waste collection
 - 08:00 – 18:00 Monday to Friday
 - 08:00 – 13:00 Saturday
 - At no time on Sundays or Bank holidays

Cllr Louise Miles returned to the meeting.

10 **16/00678/FUL - Land between New Street, South Street and the Keyway, Portobello**

The Committee considered a report in relation to planning application 16/00678/FUL, proposed supermarket.

Phillip Walker, Planning Officer, detailed the following updates to paragraphs 6 and 7 of the report:

- One representation supporting the proposals
- Two additional representations objecting to the proposals. The only new comment was that the proposal conflicted with the Council's employment policy.
- The Fire Authority had confirmed that they had no concerns with regard to potential fire risks.

Hamish Latchem addressed the Committee in support of the application.

The Committee expressed concern regarding the conflict between Aldi and Pole Position, which was close to the site, and encouraged the businesses to enter into dialogue with a view to resolving their issues amicably.

Resolved

That planning application 16/00678/FUL be granted subject to the following conditions:

- External materials
- Drainage
- Implement ecology recommendations
- Implement mining report recommendations / ground remediation
- Existing and proposed levels
- Landscaping
- Boundary treatments
- 10% renewable energy
- Plant and machinery

- No external shutters or obscuring of shop front windows
- Parking to be provided and retained
- Construction management plan
- Hours of opening to be between 0800 and 2200 hours Mondays to Saturdays and 1000 and 1600 hours Sundays and Bank Holidays
- Hours of deliveries and collection of goods and refuse to be between 0730 and 1800 hours Mondays to Saturdays and 0900 and 1600 hours on Sundays and Bank Holidays
- Servicing and refuse store details
- Cycle/motorcycle details
- No mezzanine floors/no sub-divisions into smaller units/restrict to deep discount retailer and net internal sales area not to exceed 1,460 sq.m., net internal sales area used for the display and sale of comparison goods not to exceed 150 sq.m.
- Targeted recruitment and training
- Travel Plan Highway improvements to include appropriate surface treatment, signage and road markings along New Street
- No external storage
- Electric car charging points
- Traffic regulation orders at junction of New Street and site access
- Bollards to protect footpaths along Brickkiln Street and New Street

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Planning Committee

Tuesday, 10 January 2017

Planning application no.	16/01028/REM	
Site	Motor Fuel Ltd, Compton Service Station, Bridgnorth Road, Wolverhampton, WV6 8AQ	
Proposal	Section 73 - Variation of condition 7 for planning application C/1191/92 to extend the opening hours from 07.00 - 23.00 daily to 06.00 - 23.00 daily.	
Ward	Tettenhall Wightwick	
Applicant	Motor Fuel Group	
Cabinet member with lead responsibility	Councillor John Reynolds Cabinet Member for City Economy	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Paul Lester Tel Email	Planning Officer 01902 555625 paul.lester@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant subject to conditions.

2.0 Application site

2.1 The site comprises a petrol filling station, associated shop and car wash located on Bridgnorth Road. It has four dispensers with fuel hose delivery to both sides, providing eight fill positions. The surrounding area is primarily residential.

3.0 Application details

3.1 When planning permission was granted in February 1993, a condition restricted opening hours (to members of the public) to 07:00 to 23:00 daily.

3.2. This application seeks to extend opening hours for the petrol station and associated shop (but not the car wash) to 06:00 to 23:00 daily.

3.3 The reason given for the application is to enhance the viability and functionality of the business.

4.0 Planning History

- 4.1 C/1191/92 Demolition of existing buildings and redevelopment of petrol filling station including Class A1 shop and car wash. Granted 11th February 1993.
- 4.2 16/00389/FUL External refurbishment to the forecourt shop, including new cladding and windows/door. Granted 12th May 2016.

5.0 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)
Tettenhall Neighbourhood Plan (TNP)

6.0 Publicity

- 6.1 12 letters of objection have been received. The reasons for objection include:
- Loss of amenity
 - Increase in levels of lighting
 - Increase in levels of noise
 - Existing permission well balanced for business and residents and longer hours are not required
 - Public nuisance
 - Loss of sleep
 - Earlier delivery times
 - No change in the area or an increase in traffic to justify the extra hour of opening
 - Stealth application that will facilitate a further application to expand to 24 hours opening

7.0 Consultees

- 7.1 Environmental Health – See appraisal

8.0 Legal implications

- 8.1 There are no legal implications arising from this report (LD/20122016/A).

9.0 Appraisal

- 9.1 The main concerns relate to the impact on residential amenity of noise and lighting associated with the extended hour. A noise and lighting assessment has been submitted.

Noise

- 9.2 The noise assessment concludes that *“the likely noise from the earlier use of the fuel pumps and shop would be within the ‘low’ to ‘adverse’ range of noise impact and not amounting to ‘significant adverse impact’.* Therefore, as there would not be significant noise impact, there is no valid reason why planning permission should not be granted for the proposed extension hour”.
- 9.3 Environmental Health remain uncertain regarding the impact of discrete noise events (such as from a car door slamming) and events which are difficult to quantify (such as radios and raised voices). On this basis, they would not support a permanent permission but would support a 12 month temporary permission to provide the opportunity to monitor the development and gauge the impact on residents.
- 9.4 At present, there are no conditions restricting deliveries or the collection of waste and the use of ancillary equipment (such as the car vacuum and airline) is not explicitly restricted. There is an opportunity to add conditions controlling these activities, which would assist in the protection of local residents’ amenity.

Lighting

- 9.5 While the additional opening hour proposed could result in lighting being on for longer periods of time, currently hours of illumination are not controlled by condition. The lighting report has determined the light spill from the petrol station at the nearest residential property (177 Bridgnorth Road) and has concluded that light spill will comply with the relevant Institution of Lighting Professionals standards, subject to the petrol station following specific recommendations. Environmental Health is satisfied with lighting subject to the addition of two planning conditions.

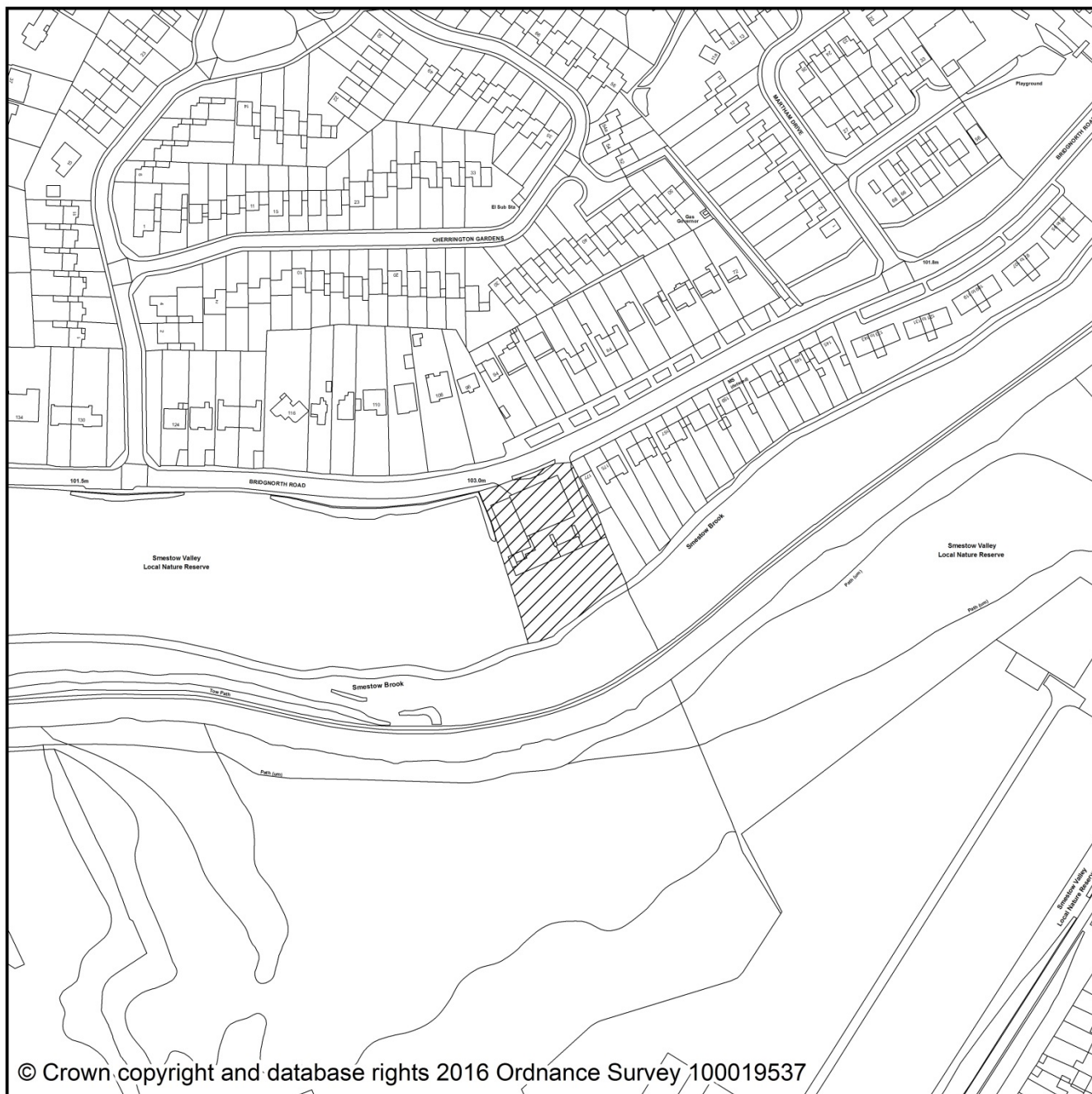
10.0 Conclusion

- 10.1 The proposal is finely balanced due to the proximity of 177 Bridgnorth Road. However, taking account of the opportunity to add conditions to control matters which are not currently controlled, as well as the views of Environmental Health, a temporary one year permission with conditions to control the matters listed below, would be appropriate and in accordance with the development plan.

11.0 Detail recommendation

- 11.1 That planning application 16/01028/REM be granted, subject to the following conditions:
- The opening hours of the premises (petrol station and associated shop) shall be restricted to between 07:00hrs and 23:00hrs Monday to Sunday except for a period of 12 months from the date of this permission whereby the opening hours of the petrol station and associated shop shall be restricted to between 06:00hrs and 23:00hrs Monday to Sunday.
 - The operation of all ancillary equipment including (but not exclusively) the car wash, car vacuum and the airline shall be restricted to 07:00hrs to 23:00hrs.

- Deliveries and the collection of refuse shall be restricted to 07:00hrs to 23:00hrs.
- Light intrusion arising from the under canopy luminaires, shall be restricted to reduced power and shall not exceed 2 Ev Lux (as vertical illuminance) and 1,000 candelas (as intensity) between 23:00hrs and 07:00hrs.
- The perimeter lights (as indicated on Page 4 of the Lighting Impact Report dated 23rd November 2016) on the boundary with 177 Bridgnorth Road shall not be operated between the hours of 23:00hrs to 07:00hrs.
- Any relevant conditions from C/1191/92.



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Planning Committee

Tuesday, 10 January 2017

Planning application no.	16/01104/FUL	
Site	Wolverhampton Girls School Tettenhall Road	
Proposal	Demolition of existing staff room and construction of additional teaching space, ancillary areas, associated access and landscaping.	
Ward	Park;	
Applicant	Trudi Young	
Cabinet member with lead responsibility	Councillor John C Reynolds Cabinet Member for City Economy	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Jenny Davies Tel Email	Senior Planning Officer 01902 555608 jenny.davies@wolverhampton.gov.uk

1.0 Summary recommendation:

- 1.1 Grant subject to conditions

2.0 Application site

- 2.1 The site lies approximately 2km north-west of the City Centre. The main school buildings are located in the north-western corner of the school complex with the playing fields to the south and east. The playing fields are within the Green Belt.
- 2.2 Existing vehicular and pedestrian access is from either Tettenhall Road or St Jude's Road West.
- 2.3 There are a number of trees protected by a Tree Preservation Order.

3.0 Application details

- 3.1 The proposal is for demolition of a small 1960,s addition and two storey rebuild to provide six classrooms, expansion of the dining room, reconfiguration of the gym and a seminar room. The new building would be part brick and part metal cladding with perforations to provide solar shading and aluminium fenestration.

- 3.2 An Oak tree has already been removed and the canopies of a Beech and Oak have been lifted under TPO consent reference 16/01123/TR granted on 12 October 2016.

4.0 Relevant policy documents

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

5.0 Publicity

- 5.1 Eight letters of objection have been received including one from Councillor Craig Collingswood. The main concerns are the detrimental effect on residents from construction traffic using St Jude's Road West, impact on Green Belt, impact/loss of trees, poor design, overlooking, effect on wildlife, inadequate parking and lack of neighbour notification.

6.0 Consultees

- 6.1 Transportation acknowledge that over the next five years congestion would increase as a result of the increase in pupils however this can be mitigated satisfactorily through a Travel Plan.
- 6.2 Landscaping have no objection subject to a full landscape scheme with replacement trees (which can be conditioned).
- 6.3 Environmental Health, Trees and Ecology have no objections.

7.0 Legal implications

- 7.1 There are no legal implications arising from this report. [LD/21122016/C]

8.0 Appraisal

- 8.1 In principle the extension and improvement of the school is acceptable and in accordance with BCCS Policy HOU5 and UDP policy C1.
- 8.2 The development will encroach slightly into the Green Belt. New buildings in the Green Belt are inappropriate unless they fall within one of the exceptions listed in the NPPF. One exemption is the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. The proposed extension would not be disproportionately large and would only result in a minor encroachment into the Green Belt. It would therefore not be inappropriate development and would be in accordance with UDP policy G2 and the NPPF.

- 8.3 The extension would utilise existing buildings not located in the Green Belt and the proposed contemporary design of modern materials relates well to the original building in scale and massing and would be an appropriate contrast.
- 8.4 The construction management programme is normally a condition of a planning permission and a matter for the school and construction company to determine. The access routes for construction traffic have been considered by the developer and for safeguarding and safety reasons, St Jude's Road is the more appropriate route however, to alleviate any increase in traffic congestion, arrival and departure of construction vehicles can be conditioned to outside peak hours.
- 8.5 There would be a distance of 56m between the nearest residential dwellings in the Lindens and the proposed side gable of the extension. In addition trees on the boundary would be unaffected and therefore would not result in any overlooking or loss of privacy.
- 8.6 There will be an increase in vehicle trips over the next five years as a result in the increase of pupils by 118 which would be likely to lead to increased congestion on Tettenhall Road and Paget Road but this can be mitigated against through their Travel Plan.

9.0 Conclusion

- 9.1 The proposal is acceptable and in accordance with development plan policies.

10.0 Detail recommendation

- 10.1 That planning application 16/01104/FUL be approved subject to the following conditions:
- Submission of materials
 - Landscaping
 - Drainage
 - Construction vehicles to avoid peak periods
 - Tree protection measures
 - Construction Management Plan
 - Updated Travel Plan
 - Accord with recommendations of ecology report





Planning Committee

Tuesday, 10 January 2017

Planning application no.	16/00949/FUL	
Site	1 Woodfield Avenue, Penn, Wolverhampton	
Proposal	Demolition of derelict coach house and erection of new two storey nursery annexe. Remodelling of external areas with associated landscaping and parking.	
Ward	Penn;	
Applicant	Mrs Pamela Sangha	
Cabinet member with lead responsibility	Councillor John C Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
	Tel	01902 555641
	Email	tracey.homfray@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Refuse

2. Application site

- 2.1 The application site is located on the corner of Woodfield Avenue and Penn Road, Wolverhampton. This is a well-established Nursery which caters for children from the age of six weeks to five years (50 to 55 Children (maximum 66). The main property faces Penn Road with perimeter landscaping/play facilities, and a car park at the rear along with a redundant coach house. The site is bounded by a high perimeter wall, to Woodfield Avenue, wall and railings to Penn Road, and 2m high fencing. The surrounding area is predominantly residential.

3. Application Details

- 3.1 The application seeks to increase the existing facilities at the Nursery, in order for the establishment to cater for an additional 40 part-time children (equivalent to 32 full-time

occupants). The proposed extension would therefore enable a maximum of 90 children on site at any one time.

- 3.2 The proposed new annex would result in the demolition/clearance of the old coach house site, along with the boundary walls, and the construction of a two storey contemporary building, remodelling of site access points, parking and replacement fencing.
- 3.3 The new building would be 6.3m high, 9m deep and 15.3m wide. The rear elevation would form the new boundary with the neighbouring property at No. 1a Woodfield Avenue. A new pedestrian and vehicular access would be provided off Woodfield Avenue, and reconfiguration of the existing perimeter play area.
- 3.4 The Applicants have requested to speak because they would prefer a Committee Resolution in light of the recommendation.

4 Relevant Planning History

- 4.1 In 2001 the Nursery applied for the conversion of the former coach house building to an After School Club (01/0491/FP) which was refused on 12th July 2001 due to the detrimental impact on a preserved tree, overdevelopment of the site, neighbouring amenity.
- 4.2 In 2002 the Nursery applied for the conversion of the former coach house building to an after school club (02/0623/FP). The application was refused, but allowed on appeal 29th August 2003.

Two areas of concerns were assessed by the Inspector as follows:-

Character - As the proposed conversion/alteration would not be significantly higher than the perimeter wall, it was concluded that the small extension to the existing coach house would not be an intrusive feature in the street scene. The inspector found the conversion/alteration would respect building lines, and the pattern of the street scene, and would not harm the character of the area.

Noise - was also assessed and due to the increase in numbers from 16 to 24, and the separation distances from neighbouring dwellings, the inspector felt that there would be no significant detriment to neighbouring amenities, especially as this was for an after school club, its time of use would meet the requirements of SPG and would not result in any unacceptable additional noise.

Application 02/0623/FP was granted subject to conditions, which included operating hours Monday - Friday 7.30 – 18.30 and no times on Saturday, Sunday and Bank/Public Holidays.

5. Constraints

- 5.1 Mining Advise area (Low Risk) and Preserved Tree on Site 06/00348/TPO.

6. Relevant Policy Documents

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 6.3 Supplementary Planning Guidance Note 9 “Nurseries”.

7. Publicity

- 7.1 Eleven representations have been received including two requests to speak. Objections are as follows:
 - Overdevelopment
 - Overbearing
 - Out of Character, inappropriate design and materials
 - Out of Scale
 - Impact on Street Scene
 - Loss of historic building
 - Noise - associated with the increased rotation of outdoor playtimes, as the numbers of children will increase, from 50 to 90 children. The thirty minutes rotated outside playtime for Ninety children, will equate to six hours of outside playtime a day. The age of children could also contribute to additional noise as 8 year olds would be more akin to a small primary school rather than a nursery. Along with additional opening times including weekends.
 - Loss Of Light/Sunlight
 - Overshadowing
 - Damage to neighbouring garden at 1A Woodfield Avenue.
 - Loss of Privacy
 - Inappropriate location with a poor relationship with neighbouring residential properties.
 - Poor outlook, loss of views
 - Additional vehicular access/exit points would be detrimental to pedestrian safety
 - Traffic Congestion
 - Insufficient level of Car Parking
 - Highway Safety
 - Pedestrian Safety
 - Obstructive Parking
 - Inappropriate location of play area to frontage which would be exposed to fumes from traffic on the Penn Road.
 - Detrimental Impact to surrounding trees and shrubbery, including a preserved tree.

8. Internal Consultees

- 8.1 **Transportation** – Object due to sub-standard off-street parking provision, road (child) safety concerns due to the increase in vehicle movements in and out of the development site and the impact the additional traffic would have on the wider road network.
- 8.2 **Environmental Health** – Object - there are concerns with the amount of proposed parking, and lack of information in respect of noisy activities affecting neighbouring amenity.

9. Legal Implications

- 9.1 There are no legal implications arising from the report. [LD/20122016/B]

10. Appraisal

Overdevelopment

- 10.1 The application site comprises of an Edwardian Villa, which has been occupied as a Nursery since 1998. The Nursery caters for children between the ages of six weeks to eight years old, and is currently registered for 66 children. The principle of this usage is well established.
- 10.2 Due to the constrained nature of the site, and its location within a predominantly residential area, expansion is very difficult. The current setting is similar to neighbouring residential properties, with the main buildings fronting Penn Road or Woodfield Avenue, with a small area of perimeter landscaping, servicing/parking and outbuildings located to the rear.
- 10.3 The overall area of amenity space meets the criteria as set in Supplementary Planning Guidance Note 9 “Nurseries”. The play areas are at present fragmented around the edge of the site. There are usable areas to the front and the back of the existing building, however, the areas along the sides are too narrow, and confined, especially south/west of the site where a ball games area is proposed. This is close to 288a Penn Road. The new build only proposes a small external play area to the frontage, which is adjacent to the existing central car park.
- 10.4 The proposed car parking facilities are also well below the recommended one car parking space per five children plus an additional three, which results in a requirement for 21 car parking spaces. The proposal is for nine car parking bays, well below the required level of parking for a nursery of this size.

Scale, Character and Street Scene

- 10.5 The character/established setting of properties to this part of Woodfield Avenue/Penn Road, consist of large detached houses, on spacious plots south/west of the site. There are also terraced type semi-detached properties, with minimal frontages north of the site. Penn Nursery sits proud on the corner of Woodfield Avenue and Penn Road; well forward of the neighbouring property at 1A Woodfield Avenue, which is positioned directly behind the derelict coach house.

- 10.6 The proposed two storey building, at a height of 6.3m, would be significantly larger and taller than the existing traditional brick/tile pitched roof coach house. The height and bulk would make the building overly prominent in the street scene, too close to the back edge of pavement and forming the rear boundary of the site. This would be completely out of keeping with the established setting, building lines, and character of properties within Woodfield Avenue, appearing alien and overbearing due to its height, bulk, and contemporary flat roof design, detracting from the streetscene as a whole.

Parking/Access

- 10.7 Existing on-street parking on Woodfield Avenue is currently heavily subscribed, especially around school times. The existing on-street parking reduces Woodfield Avenue to single file traffic at these times, and it has also been evident that cars park half on/half off the footways and very close to existing accesses, thereby causing safety issues for pedestrians.
- 10.8 The introduction of a second vehicular access point, at the Nursery, along with the requirement for traffic regulations in order to achieve and maintain suitable visibility splays at both entrances, would further reduce the amount of on-street parking space available at this location. This coupled with the additional vehicle movements associated with this expansion, would further add to road safety concerns, especially when taking into account the amount of pedestrians, especially children, using the footway outside of the nursery on Woodfield Avenue.
- 10.9 Although it is acknowledged that the car park would be under used at certain times of the day, parking standards have to be based around the type of development and its use. Whilst it is accepted that staff at the Nursery are 'encouraged' to car share and use public transport, this cannot be enforced. Similarly, the Nursery Management would find it difficult to implement parents dropping off or picking up children from the car park. There is an insufficient level of on- site parking provision (21 spaces required 9 proposed). The additional children and employees and the reduction in on-street parking mean that the proposal is not acceptable, as it results in danger to users of the highway and pedestrians (especially children).

Neighbouring Amenity

- 10.10 The proposed development would increase the maximum number of children who could attend the facility from 66 to 90, and increase opening times from 07.30 to 18.00 hrs Monday to Friday to 07.00 to 19.00 hrs Monday to Friday and 07.00hrs to 13.00hrs on a Saturday. The applicant has failed to submit a detailed noise assessment. This number of children over this amount of time is likely to result in an unacceptable increase in noise levels on the application site to the detriment of neighbouring properties.
- 10.11 The proposed two storey building would be clearly visible from the entrance/exit of neighbouring properties and will appear overbearing and dominant. This is an unacceptably overbearing and overly dominant feature in the townscape and will have an adverse impact on the locality.

Trees

- 10.12 There is a protected tree on the area of land where the proposed two storey building will be located. The tree would be only 1m away from the proposed structure which would

have a detrimental impact on its root plate, restricting water supply and ground water levels with runoff water being disposed of in drainage channels. The canopy of the Pine extends to approximately four metres to the north. The development would harm a tree which is worthy of continued protection.

11. Conclusion

- 11.1 The proposed development would be an overdevelopment and over intensification of the site, with an insufficient level of car parking, and amenity space to support the expansion. The insufficient level of parking and proposed access would be detrimental to pedestrian, especially children and highway safety and the proposed building would also result in a detrimental impact to the character and appearance of the street scene, with a structure which would appear overbearing, obtrusive, and alien to its surroundings. The structure would also result in a negative impact on neighbouring properties, to the detriment of their amenities, and could result in a loss of a preserved tree, and other landscaping. Therefore, the proposal is contrary to BCCS Policy ENV3, UDP Policies C4, D12, D8, D7, D6, D4, AM12, AM15, EP5, N7, N1 & and Supplementary Planning Guidance Note 9.

12. Detailed Recommendation

- 12.1 That the Strategic Director of Education and Enterprise be given delegated authority to refuse planning application 16/00949/FUL for the following reasons:
- Overdevelopment and Over Intensification of the site.
 - Overly prominent, out of scale and out of character, thus detracting from the spaciousness of the existing street scene.
 - Traffic hazard, to the detriment of pedestrian (especially children) and highway safety.
 - Neighbouring Amenities, such as unacceptable overbearing impact, reduction in the amount of light/sunlight, and on the outlook.
 - The over intensification of the use would result in an increase in noise and general activity associated with the use, which would be harmful to neighbouring amenities.
 - The proposal would be likely to have an adverse effect on the future health and safety of the existing trees and a detrimental impact on a preserved tree (06/00348/TPO).



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Planning Committee

Tuesday, 10 January 2017

Planning application no.	16/01001/FUL	
Site	Land north of 60 Barnard Road	
Proposal	16 apartment care facility	
Ward	Wednesfield North	
Applicant	Mr J McGarry	
Cabinet member with lead responsibility	Cabinet Member for City Economy, Councillor John Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Stephen Alexander	Head of Planning
	Tel	01902 555610
	Email	stephen.alexander@wolverhampton.gov.uk

1.0 Summary recommendation

- 1.1 Grant subject to conditions.

2.0 Application site

- 2.1 The site forms part of a residential area. It is bounded to the north and south by houses, to the east by Ashmore Park, and has a road frontage with Barnard Road to the west. The site previously had six houses which were demolished due to historic mining works.

3.0 Application details

- 3.1 The proposal is for a care facility for adults aged 17+ with learning or physical disabilities. The building would comprise sixteen (one bedroom) apartments, a common room, kitchen, family meeting room, and office space for on-site carers. Parking would comprise eight spaces. The building would be two and a half storeys in height with single storey rear extensions.

4.0 Planning History

- 4.1 12/00588/EXT - Extension of time for application 09/00579/FUL.
Erection of six semi detached, three bedrooms dwellings with associated parking.
Granted 1 Aug 2012.
- 4.2 09/00338/FUL - Erection of 2no. 2 bed dwellings, 5no. 3 bed dwellings and 1no. 1 bed apartment over associated garages, vehicular access and parking. Refused (17 June 2009) due to over-development and impact on neighbours.
- 4.3 07/00055/FUL - Construction of 11 bed residential care home for young adults with learning disabilities. Not-determined.

4.0 Relevant policy documents

- 4.1 Wolverhampton UDP,
Black Country Core Strategy,
Supplementary Planning Guidance 3.
- 4.2 National Planning Policy Framework,
National Planning Policy Guidance.

5.0 Publicity

- 5.1 Twenty objections have been received, and a 150 signature petition. The planning comments are summarised below:

- Over-development of the site;
- Highway safety concerns (operational and construction);
- Inadequate parking provision;
- Inappropriate use;
- Over-looking of adjacent houses;
- Scale and mass;
- Using land as open space would be more appropriate;
- Six houses would be more appropriate;
- Noise and air pollution;
- Under provision of garden space for residents;
- Density of development greater than the original six houses.

- 5.2 Non planning comments are summarised as follows:

- Concerns regarding the people receiving care;
- Reduction in house prices.

6.0 Consultees

- 6.1 Coal authority – no objections.

- 6.2 Transportation, Environmental Health, Landscape – no objections subject to a satisfactory layout.

7.0 Legal implications

- 7.1 There are no legal implications arising from this report (LD/29122016/A)

8.0 Appraisal

- 8.1 The key issues are:

- Principle of development;
- Neighbour amenity;
- Design and layout;
- Highways;
- Affordable housing.

Principle of development

- 8.2 The site was previously developed for housing, and is now overgrown and un-used, bringing with it social and aesthetic issues. A residential use is acceptable. There is a need for 24 hour care facilities in Wolverhampton, and the development would make a contribution towards that need.

Neighbour amenity

- 8.3 The two and a half storey side elevation would be 1.4m from the boundary with 74 Barnard Road, with a projection of 2.5m beyond the rear of that house. The applicants have stepped in the proposed building, thus diminishing its scale at the rear. The result is a single storey element 3.5m from the boundary with 74 Barnard Road, rising to a two and half storey element 10m from the boundary with that house. The proposed building would be visible from the rear windows of 74 Barnard Road and would have some impact on the outlook from the resident's garden. However, this impact would not be significant enough to justify a refusal of planning permission in this case.
- 8.4 The positioning and height of the building may result in some overshadowing of the rear part of the garden at 74 Barnard Road. There would minimal loss of daylight or sunlight, if any, to the habitable rooms of 74 Barnard Road. A reason for refusal due to loss of light could not be substantiated.
- 8.5 The two and a half storey side elevation would be 1.7m from the boundary with 60 Barnard Road, with a projection of 2.5m beyond the rear of that house. Stepping in the proposed building at the rear reduces the impact on the garden of 60 Barnard Road (with similar distance measurements to that of 74 Barnard Road). The proposed building would be visible from the rear windows of 60 Barnard Road and would have some impact on the outlook from the resident's garden. However, this impact would not be significant enough to justify a refusal of planning permission in this case.

- 8.6 Windows have been omitted from both flank elevations to avoid over-looking. The rear facing windows of four apartments would have oblique views into the rear third of the two adjacent gardens. Loss of privacy is negligible.
- 8.7 The positioning of a bin store on each side elevation has the potential to cause some occasional noise disturbance to the residents at 60 and 74 Barnard Road due to the number of apartments within the building. This can be mitigated by the design of the bin enclosure and the sensitive management of the bins usage. Both of these matters can be conditioned.

Design and layout

- 8.8 The design and scale of the building when assessed from Barnard Road reflects a series of terraced houses, not dissimilar to the six houses that were previously on the site. The design of this elevation is acceptable.
- 8.9 The building would occupy approximately 50% of the site, leaving approximately 370sqm for private amenity space. This is above the area of shared garden space required in SPG3.

Highways

- 8.10 The applicants have advised that the residents at the care facility are unable to drive owing to learning and physical disabilities. Consequently the eight parking spaces will be used by carers, visiting professionals and visiting family and friends. Spaces 1-4 require the removal of the existing grass verge and the installation of a drop-kerb. The applicant has agreed to a condition to secure these works.
- 8.11 Staffing levels are 30 full time equivalent, with no more than ten during the day and four at night. A staff travel plan to encourage walking and public transport use is reasonable.

Affordable Housing

- 8.10 The applicants have advised that the care facility falls into C2 of the use classes order and therefore the Council's affordable housing policy does not apply. From the information submitted it is clear that the facility is a C2 use (residential institution). Therefore, a planning condition restricting the use to C2 only would be necessary.

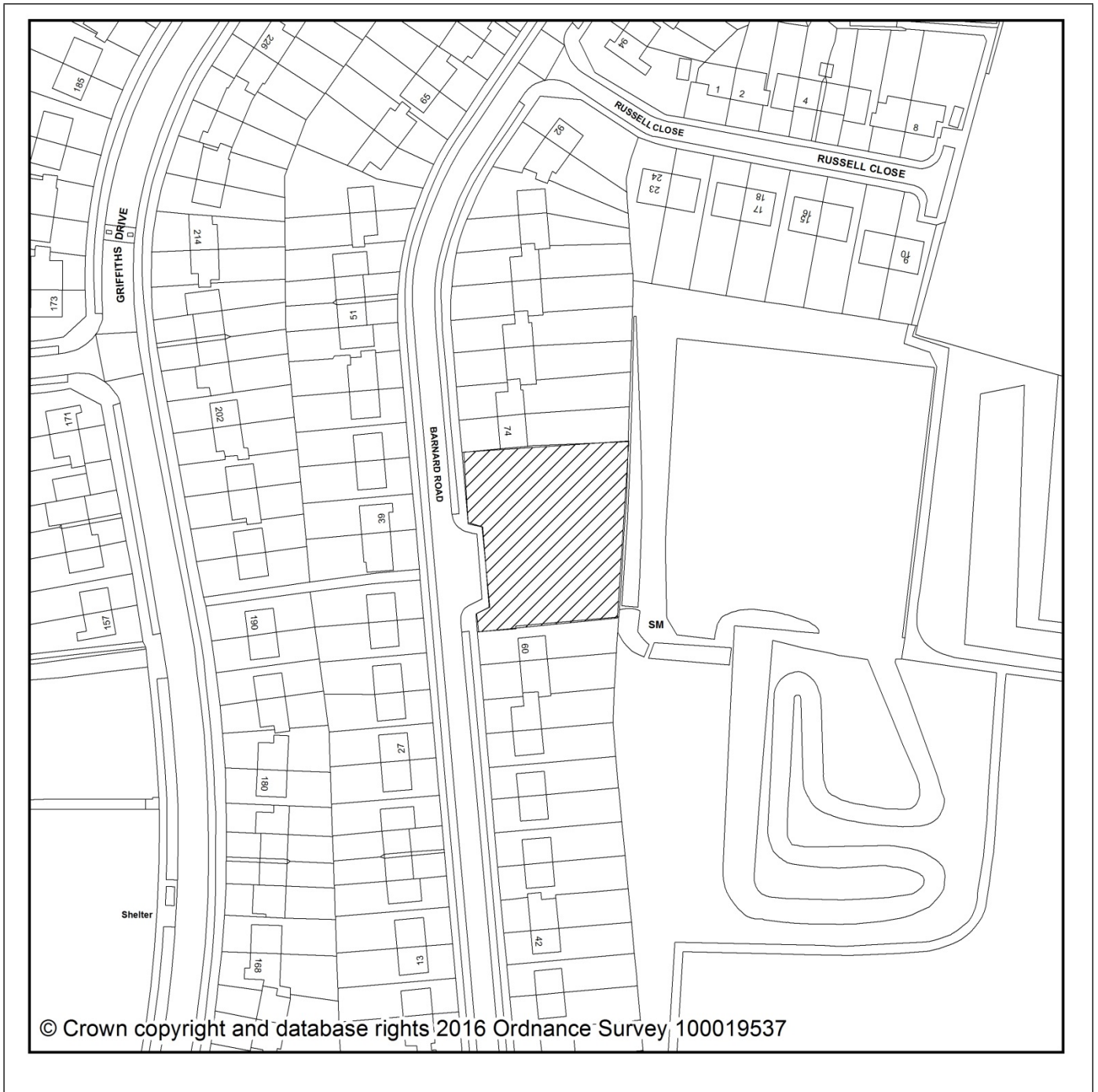
9.0 Summary and Conclusion

- 9.1 The proposed development would make a contribution towards care accommodation in Wolverhampton, and the site has been vacant for a considerable period. Whilst there will be some impact on the amenities of the residents at 60 & 74 Barnard Road, on balance, taking into account all relevant planning considerations, the proposal is acceptable.

10.0 Detail recommendation

- 10.1 Grant subject to any necessary conditions including:
Landscaping and boundary treatments;
Parking areas and cycle storage;

External lighting;
Bin storage;
C2 use only;
Grass verge and lighting column;
Goods deliveries and collection of refuse;
Construction management plan including hours;
Staff travel plan.



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