



# Planning Committee

## Tuesday, 10 January 2017

<b>Planning application no.</b>	16/00949/FUL	
<b>Site</b>	1 Woodfield Avenue, Penn, Wolverhampton	
<b>Proposal</b>	Demolition of derelict coach house and erection of new two storey nursery annexe. Remodelling of external areas with associated landscaping and parking.	
<b>Ward</b>	Penn;	
<b>Applicant</b>	Mrs Pamela Sangha	
<b>Cabinet member with lead responsibility</b>	Councillor John C Reynolds	
<b>Accountable Director</b>	Keren Jones, Service Director, City Economy	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	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 12<sup>th</sup> 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 29<sup>th</sup> 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).

