



# Planning Committee

## 7 January 2014

**Time** 2.00pm      **Public meeting?** YES      **Type of meeting** Regulatory

**Venue** Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

**Room** 3 (3<sup>rd</sup> floor)

### Membership

**Chair** Cllr Linda Leach (Labour)  
**Vice-chair** Cllr Harman Banger (Labour)

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

**Conservative**  
Cllr Matthew Holdcroft  
Cllr Mrs Wendy Thompson  
Cllr Jonathan Yardley

**Liberal Democrat**  
Cllr Malcolm Gwinnett

Quorum for this meeting is three Councillors.

### Information for the Public

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

**Contact** John Wright  
**Tel** 01902 555048  
**Email** [john.wright@wolverhampton.gov.uk](mailto:john.wright@wolverhampton.gov.uk)  
**Address** Democratic Support, Civic Centre, 2<sup>nd</sup> floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** <http://wolverhampton.cmis.uk.com/decisionmaking>  
**Email** [democratic.support@wolverhampton.gov.uk](mailto:democratic.support@wolverhampton.gov.uk)  
**Tel** 01902 555043

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

*Item No.*     *Title*

### MEETING BUSINESS ITEMS

1.            **Apologies for absence**
2.            **Declarations of interest**
3.            **Minutes of the previous meeting (3 December 2013)**  
              [For approval]
4.            **Matters arising**  
              [To consider any matters arising from the minutes]

### DECISION ITEMS

5.            **Planning Application 13/00779/FUL 24 Hanbury Crescent, Wolverhampton**  
              [To determine the application]
6.            **Planning Application 13/00421/OUT 45 Rookery Road, Wolverhampton**  
              [To determine the application]
7.            **Planning Application 13/01153/FUL The Warstones Inn, Warstones Road and Public Open Space to the rear (accessed from Rochford Grove and Buckley Road), Penn, Wolverhampton**  
              [To determine the application]
8.            **Planning Application 13/01042/FUL 423, 423A and 424 Dudley Road, Wolverhampton**  
              [To determine the application]
9.            **Planning Application 13/01145/FUL Land adjacent to 34 Thorneycroft Lane Wolverhampton**  
              [To determine the application]



# Planning Committee

## Minutes – 3 December 2013

### Attendance

#### Members of the Committee

Cllr Linda Leach (Chair)

Cllr Keith Inston

Cllr Harman Banger (Vice Chair)

Cllr Bert Turner

Cllr Malcolm Gwinnett

Cllr Matthew Holdcroft

#### Staff

Andy Carter

Planning Officer

Lisa Delrio

Senior Solicitor

Alan Murphy

Section Leader

Colin Noakes

Planning Officer

Marianne Page

Section Leader – Transportation

John Wright

Democratic Support Manager

### Apologies

Apologies for absence were received from Cllrs Claire Darke, Michael Hardacre, John Rowley, Mrs Wendy Thompson and Jonathan Yardley

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## Part 1 – items open to the press and public

*Item No.*    *Title*

### MEETING BUSINESS ITEMS

1.            **Declarations of interest**

None

2.            **Minutes of the previous meeting**

Resolved:-

That the minutes of the meeting held on 1 October 2013 be approved as a correct record and signed by the Chair.

3.            **Matters arising**

There were no matters arising.

### DECISION ITEMS

4.            **Planning Application 13/00852/OUT Land Adjacent to 30 Howland**

**Close, Pendeford, Wolverhampton**

Resolved

That planning application 13/00852/OUT be granted subject to the following conditions:

- Appearance
- Landscaping
- Boundary treatments
- Bin stores
- Cycle store
- Materials
- Drainage
- Hours of construction

5 **Planning Application 13/00757/FUL Impacta Ltd, Oxford Street, Wolverhampton**

Councillors expressed concerns that activities on the site, not directly related to the application, may be having a detrimental effect on nearby residents and were informed that officers would ensure that the site was only used for the purposes for which it had now been granted permission.

Resolved

That planning application 13/00757/FUL be granted, subject to any appropriate conditions including:

- Restrict the use of the building for storage only

6 **Objections to the Wolverhampton City Council (26 Clewley Drive) Tree Preservation Order: 2013**

Mr Taylor spoke in opposition to the Tree Preservation Order.

Councillors expressed their sympathy with the situation faced by the landowner, the objector and other residents. They felt that due to their size the trees were inappropriate for their location and therefore the Order should not be confirmed. Councillors suggested that employees approach the landowners and ask them to donate a replacement tree which could be planted in a local area of open space. The Committee was advised that this would not be legally enforceable.

Resolved

That the Wolverhampton City Council (26 Clewley Drive)(No. 2) Tree Preservation Order 2013 not be confirmed.



# Planning Committee

7 January 2014

|  |  |                                    |
|--|--|------------------------------------|
| <b>Planning Application No</b>                 | 13/00779/FUL   |                                    |
| <b>Site</b>                                    | 24 Hanbury Crescent, Wolverhampton                                       |                                    |
| <b>Proposal</b>                                | Two storey rear extension and loft conversion with dormer window to rear |                                    |
| <b>Ward</b>                                    | Penn   |                                    |
| <b>Applicant</b>                               | Mr S Bisla   |                                    |
| <b>Agent</b>                                   | Shaun Gill   |                                    |
| <b>Cabinet Member with Lead Responsibility</b> | Councillor Peter Bilson<br>Economic Regeneration and Prosperity          |                                    |
| <b>Accountable Strategic Director</b>          | Tim Johnson, Education and Enterprise                                    |                                    |
| <b>Planning Officer</b>                        | Name   | Ragbir Sahota                      |
|  | Tel  | 01902 555616                       |
|  | Email  | ragbir.sahota@wolverhampton.gov.uk |

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## 1. Summary Recommendation

1.1 Refuse.

## 2. Application site

2.1 The site comprises a bay fronted detached dwelling situated in a corner location within the cul-de-sac. The property has a large rear garden and has a hard surfaced front drive with boundary treatments.

2.2 The dwelling appears to have been modernised and is predominantly rendered with part brick. The street scene comprises detached and semi-detached dwellings and the area is predominantly residential. Hanbury Tennis Club is situated to the rear and its main access is situated adjacent the application site.

### **3. Application Details**

- 3.1 The application is for the erection of a two storey rear extension and loft conversion with dormer window to rear.
- 3.2 The proposed extension projects 5.5metres to the rear and extends the full width of the existing property. The proposed dormer window is positioned close to the boundary with No.25 Hanbury Crescent.
- 3.3 The application is being reported to Committee as the applicants wishes to speak.

### **4. Constraints**

- 4.1 The property is within a landfill gas zone and a mining advice 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 Other relevant policy documents:

### **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 One letter of objection has been received. The main concerns relate to loss of light and the impact on outlook.

### **8. Legal Implications**

- 8.1 There are no specific legal implications arising from these proposals.  
LM/16122013/S

### **9. Appraisal**

- 9.1 The key issue is:
  - Impact on Neighbour Amenities

- 9.2 The proposed two storey extension projecting 5.5metres from the rear of the house with the addition of a dormer window on the boundary, would be very close to the neighbour at No.25 Hanbury Crescent. The proposal is considered to have an adverse impact on the amenities of this neighbour.
- 9.3 The scale, height, positioning and massing of the extension is considered to impact this neighbour at No.25 Hanbury Crescent by virtue of the proposal being overbearing, over dominant, affecting the outlook presently enjoyed by this neighbour and resulting in the loss of light as a result of the orientation of the properties.
- 9.4 The neighbouring property has a primary window to its dining room facing the application site and by virtue of the proposed extension, would be adversely affected. Furthermore, the addition of the balcony and French doors to the bedroom at first floor level would result in the loss of privacy on this neighbour.

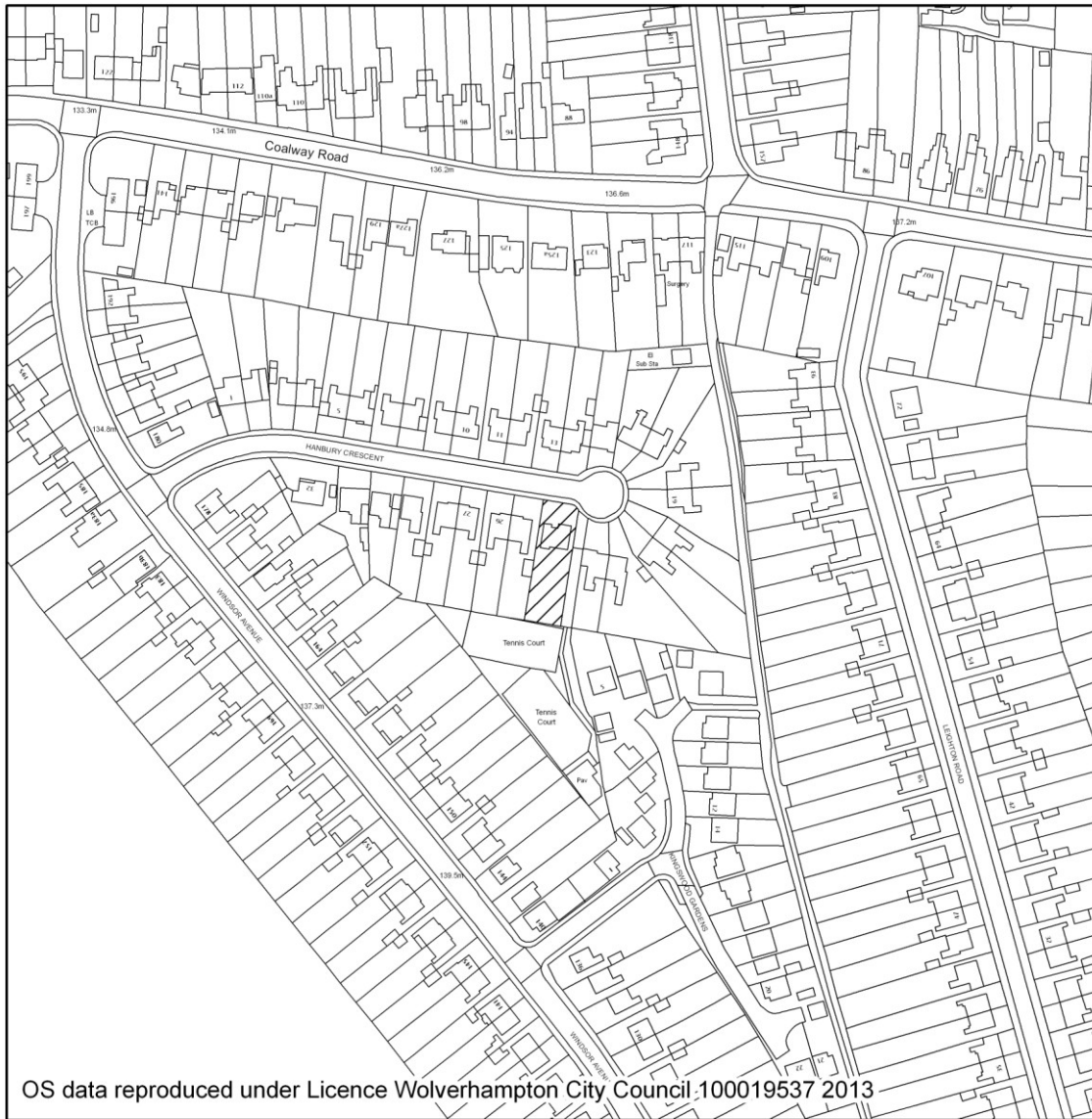
## **10. Conclusion**

- 10.1 The proposed two storey extension and dormer window would, by reason of its scale, height, massing and position relative to the house on the adjoining property at No.25 Hanbury Crescent have an unacceptable overbearing impact, appear over dominant, reduce the amount of light/sunlight, on the outlook presently enjoyed by that house. Furthermore by virtue of the balcony and French doors to the bedroom, the proposal would further impact the neighbour leading to a loss of privacy.
- 10.2 The proposal is therefore contrary to the provision of UDP policies D6, D7, D8, D9 and BCCS policies ENV3 and CSP4

## **11. Detailed Recommendation**

- 11.1 That planning application 13/00779/FUL be refused for the following reason:

The proposed extension and dormer window would, by reason of its scale, height, massing and position relative to the house on the adjoining property at No.25 Hanbury Crescent have an unacceptable overbearing impact, appear over dominant, reduce the amount of light/sunlight, on the outlook presently enjoyed by that house. It would also result in the loss of privacy to the same neighbour because of the proposed balcony and French doors to the bedroom. The proposal is therefore contrary to the provision of UDP policies D6, D7, D8, D9 and BCCS policies ENV3 and CSP4



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# Planning Committee

7 January 2014

|  |   |                                   |
|--|---|-----------------------------------|
| <b>Planning Application No</b>                 | 13/00421/OUT  |                                   |
| <b>Site</b>                                    | 45 Rookery Road and land to the rear  |                                   |
| <b>Proposal</b>                                | Outline for residential development with all matters reserved apart from access |                                   |
| <b>Ward</b>                                    | Spring Vale   |                                   |
| <b>Applicant</b>                               | Mr M Howell   |                                   |
| <b>Agent</b>                                   | Mr J Sedgemore  |                                   |
| <b>Cabinet Member with Lead Responsibility</b> | Councillor Peter Bilson<br>Economic Regeneration and Prosperity                 |                                   |
| <b>Accountable Strategic Director</b>          | Tim Johnson, Education and Enterprise   |                                   |
| <b>Planning Officer</b>                        | Name  | Mark Elliot                       |
|  | Tel   | 01902 555648                      |
|  | Email   | mark.elliott@wolverhampton.gov.uk |

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## 1. Summary Recommendation

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

## 2. Application site

- 2.1 The site comprises 45 Rookery Road and an area of undeveloped land to the rear of 29 to 45. It slopes upwards from east to west. At the highest point there is an electricity pylon with its lines extending easterly across the site.
- 2.2 Access is from Bayliss Avenue, a narrow residential cul-de-sac off Rookery Road.

- 2.3 There is a larger open space to the south of the site which has an extant outline planning consent for a care home.

### **3. Application Details**

- 3.1 Outline planning permission is sought for residential development with all matters reserved apart from access. To facilitate access Bayliss Avenue would be widened, utilising land to the side of 45 Rookery Road, to provide 1800mm wide pavements and a 5500mm wide highway. A new road would then extend from Bayliss Avenue into 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 SPG3 '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 Six objections have been received which can be summarised as follows:
- Increased traffic and adverse impact on highway safety
  - Mine shafts in the area – land not suitable for development
  - Proximity to electricity pylons
  - Loss of privacy / light / security
  - Increased noise disturbance
  - Detrimental impact on the environment

### **7. Internal Consultees**

- 7.1 Transportation – No objection.
- 7.2 Environmental Services – No objection subject to conditions for a construction management plan and a site investigation for contaminated land.

### **8. External Consultees**

8.1 Coal Authority – No objection subject to a condition requiring a site investigation to establish any mining legacy issues and if necessary remedial measures.

8.2 Severn Trent Water – No objection subject to a condition requiring drainage details.

## **9. Legal Implications**

9.1 Planning Obligations must now as a matter of law comply with the following tests, namely, they must be:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development.

(LD/12122013/A)

## **10. Appraisal**

10.1 The key issues are:-

- Principle of residential development
- Highway safety
- Neighbour amenity
- Section 106

### **10.2 Acceptability of Site for Residential Development**

The area is predominantly residential. The site is undeveloped and is not identified in the Development Plan for a specific use.

10.3 Immediately to the south is land with an unimplemented outline planning permission for a care home, granted in 2012.

10.4 Residential development would in principle be in keeping with the area and acceptable. The detail would be dealt with at the reserved matters stage (except for access).

### **10.5 Access and Highway Safety**

Details of access are provided for determination at this stage. Access works would include the widening of Bayliss Avenue and improved visibility at the junction with Rookery Road. Details of the proposed layout and gradient of the new road have been provided and it has been demonstrated that it can be constructed to an adoptable standard. The proposed access is acceptable

## 10.8 Neighbour Amenity

An indicative layout shows sixteen semi-detached houses. Objections have been made that the layout shown appears overbearing and would result in a loss of privacy. However, the layout is only illustrative and details of the number of houses, how they will be arranged on the site, how big they will be and what they will look like would be determined at the reserved matters stage.

10.9 Overhead power lines cross the site. There is no planning reason to refuse dwellings in proximity to power lines.

## 10.10 Section 106

In accordance with the development plan and in compliance with the relevant tests referred to above, there would be a requirement for:

- Targeted recruitment and training
- Highway works to Bayliss Avenue
- 25% affordable housing (15+ dwellings)
- Off-site contribution for open space and play (10+ dwellings)
- 10% renewable energy (10+ dwellings)
- Management company for communal areas

## 11. Conclusion

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

## 12 Detailed Recommendation

12.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/00421/OUT subject to:

- (i) Negotiation and completion of a Section 106 agreement to secure;
  - Targeted recruitment and training
  - Highway works to Bayliss Avenue
  - 25% affordable housing (15+ dwellings)
  - Off-site contribution for open space and play (10+ dwellings)
  - 10% renewable energy (10+ dwellings)
  - Management company for communal areas
- (ii) Any necessary conditions to include:
  - Standard outline conditions
  - Levels
  - Land contamination
  - Drainage

- Mining Investigation
- Resource and waste management plan
- Measures to mitigate impact on neighbours
- Floor plans
- Number of dwellings to be in accordance with approved reserved matters & floor plans



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# Planning Committee

Date 7 January 2014

|  |  |                                     |
|--|--|-------------------------------------|
| <b>Planning Application No</b>                 | 13/01153/FUL   |                                     |
| <b>Site</b>                                    | The Warstones Inn, Warstones Road and Public Open Space to the rear (accessed from Rochford Grove and Buckley Road), Penn, Wolverhampton |                                     |
| <b>Proposal</b>                                | Erection of twenty five houses and one apartment   |                                     |
| <b>Ward</b>                                    | Penn   |                                     |
| <b>Applicant</b>                               | Tatton Hall Homes  |                                     |
| <b>Agent</b>                                   | Mr Otto De Weijer  |                                     |
| <b>Cabinet Member with Lead Responsibility</b> | Councillor Peter Bilson<br>Economic Regeneration and Prosperity  |                                     |
| <b>Accountable Strategic Director</b>          | Tim Johnson, Education and Enterprise  |                                     |
| <b>Planning Officer</b>                        | Name   | Phillip Walker                      |
|  | Tel  | 01902 55(5632)                      |
|  | Email  | phillip.walker@wolverhampton.gov.uk |

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## 1. Summary Recommendation

- 1.1 Delegated authority to grant subject to conditions and a development and/or legal agreement.

## 2. Application site

- 2.1 This 0.7ha site includes the Warstones Inn and the public open space to the rear. It is bounded on three sides by the rear gardens of adjacent houses.
- 2.2 The Warstones Inn has been closed since April 2013. Planning permission was granted in September 2013 for its demolition and the erection of fourteen houses.
- 2.3 The public open space includes an informal football pitch. Pedestrian access is from Buckley Road and Rochford Grove. A public footpath

(FP212) crosses the site from north to south, linking Rochford Grove and Buckley Road.

### **3. Application Details**

- 3.1 The application proposes 26 dwellings comprising 4 four bedroomed houses, 16 three bedroomed houses, 5 two bedroomed houses and 1 two bedroomed apartment.
- 3.2 The proposed layout is based on a central access road from Warstones Road. The existing pedestrian access from Rochford Grove into the site would be retained but it would not continue out to the north-east side of the site to Buckley Road.
- 3.3 The dwellings would be of a traditional appearance with facing brickwork, render finish and pitched tile roofs. Car parking would be provided on driveways and within garages and private courtyards. All dwellings, apart from the apartment would have rear gardens.

### **4. Planning History**

- 4.1 13/00654/FUL. Demolition of Warstones Inn and erection of 14 dwellings. Granted 23.09.2013.
- 4.2 13/00519/DEM. Demolition of Warstones Inn and associated buildings. Granted 19.06.2013.
- 4.3 11/01198/FUL. Change of use from public house to a Veterinary Practice. Granted 17.12.2012.

### **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 SPG/SPD:  
Residential Development  
Affordable Housing  
Renewable and Low Carbon Energy

### **6. Environmental Impact Assessment Regulations**

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



significant effect on the environment as defined by the above Regulations and case law.

## **7. Publicity**

7.1 Five letters of support received, summarised as follows:

- Good new affordable housing is needed in Penn.
- In character with surroundings and will enhance Penn.
- The loss of the open space and public house is supported.
- The open space is rarely used, attracts vandalism and anti-social behaviour (including noise disturbance) and is poorly maintained.
- There are other open spaces nearby.
- The alley to Buckley Road wouldn't be needed, would be unsafe and should be closed.

7.2 Nine letters of objection received, summarised as follows:

- Unacceptable loss of open space, which is regularly used.
- Open space should be retained and improved.
- Further consultation needed regarding loss of the open space.
- Concern about close proximity of new housing to existing housing
- No other open space nearby without crossing dangerous roads.
- Increased traffic on surrounding roads, detrimental to road safety.
- Detrimental to residential amenity.
- Nuisance from construction traffic.

## **8. Internal Consultees**

8.1 Environmental Health – No objections subject to conditions relating to hours of construction, contaminated land remediation and a construction management plan.

8.2 Transportation – Request wider car parking spaces.

## **9. External Consultees**

9.1 Police – Recommend closure of the alley to Buckley Road, as alleyways such as this attract anti-social behaviour and criminal activity.

## **10. Legal Implications**

10.1 Obligations (planning agreements) must now as a matter of law (CIL Regulations) comply with the following tests, namely they must be:

- i) necessary to make the development acceptable in planning terms
- ii) directly related to the development and
- iii) fairly and reasonably related in scale and kind to the development.

The Council cannot enter into a planning agreement with itself so the mechanism for securing planning obligations where it owns the land is by way of a Development Agreement

(LD/12122013/B).

## **11. Appraisal**

### **11.1 Key issues:**

- Loss of public house and open space
- Principle of residential development and its design
- Public right of way
- Planning obligations

### **11.2 Loss of pub and public open space**

The demolition of the public house has already been permitted.

11.3 The public open space (POS) is identified as such in the UDP. On 15th October 2013 Cabinet approved the principle of developing the POS for housing.

11.4 On 18th December 2013, Cabinet is to consider a recommendation to declare the POS surplus to requirements and approve its disposal for residential development.

11.5 In accordance with UDP policy R3, in cases where permission is granted for the redevelopment of an open space, compensatory provision is required. This could take the form of a new children's play area at Windsor Avenue Playing Fields.

11.6 The principle of residential development and its design.  
The demolition of the pub has already been permitted. If Cabinet declare the POS surplus then its loss will be acceptable, subject to a compensatory payment. The site is in a residential area and its development for housing would be acceptable.

11.7 The design is acceptable subject to receipt of amended plans that show wider car parking spaces.

### **11.8 Public Right of Way**

The alley between the new housing and Buckley Road would be closed in the interests of the safety and security of residents and also high quality design.

### **11.9 Planning Obligations**

In accordance with Development Plan policies there is a requirement for:

- Compensatory payment for loss of POS of £102,370.04 (BCIS indexed)

- 25% affordable housing
- 10% renewable energy
- Targeted recruitment and training
- Management company for communal spaces

11.10 For developments of 10 dwellings and more, there would normally be a policy requirement for a contribution for off-site public open space / play enhancement / provision. However in this case, all the necessary enhancements can be achieved with the POS compensatory payment. Therefore, In accordance with the CIL Regulations it would not be lawful to require a further payment.

## **12. Conclusion**

12.1 Subject to Cabinet declaring the POS surplus and a development/legal agreement and conditions as recommended, the development would be acceptable and in accordance with the development plan.

## **13. Detailed Recommendation**

13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 13/01153/FUL subject to:

- I. Cabinet declaring the Public Open Space surplus
- II. A development/legal agreement to secure
  - Loss of POS compensatory payment of £102,370.04 (BCIS indexed)
  - 25% affordable housing
  - 10% renewable energy
  - Targeted recruitment and training
  - Management company for communal spaces
- III. Amended plans showing wider car parking spaces
- IV. Any necessary conditions to include:
  - Landscaping
  - Boundary treatments (including electronic gates for communal car parking area)
  - Measures to mitigate impact on neighbours during construction
  - Drainage
  - Tree protection measures
  - Replacement street trees
  - Contaminated land remediation
  - Levels

Notes for information:

The grant of planning permission does not mean that a public right of way can be interfered with, obstructed or moved until a formal 'Order' has been confirmed.

The new access road to be built to Wolverhampton City Council adoptable standards

Clearance of trees shrubs and hedges approved should only be undertaken outside the bird nesting season

**Case Officer : Mr Phillip Walker**  
**Telephone No : 01902 555632**  
**Head of Planning – Stephen Alexander**



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# Planning Committee

Date 7 January 2014

|  |  |   |
|--|--|---|
| <b>Planning Application No</b>                 | 13/01042/FUL   |   |
| <b>Site</b>                                    | 423, 423A and 424 Dudley Road,<br>Wolverhampton, WV2 3AH.  |   |
| <b>Proposal</b>                                | Single storey rear extension to form food preparation and stores to Sagar Sweet Centre and Restaurant including covered yard area. |   |
| <b>Ward</b>                                    | Blakenhall   |   |
| <b>Applicant</b>                               | Mr Harbans Baghri  |   |
| <b>Agent</b>                                   | Mr Richard Taylor, ACP Architects  |   |
| <b>Cabinet Member with Lead Responsibility</b> | Councillor Peter Bilson<br>Economic Regeneration and Prosperity  |   |
| <b>Accountable Strategic Director</b>          | Tim Johnson, Education and Enterprise  |   |
| <b>Planning Officer</b>                        | Laleeta Butoy<br>Tel<br>Email  | Trainee Planner<br>01902 55(5605)<br>laleeta.butoy@wolverhampton.gov.uk |

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## 1. Summary Recommendation

1.1 Grant subject to conditions

## 2. Application site

2.1 The application site is on Dudley Road in a local centre among a parade of six shops.

- No. 423A operates as a funeral directors (Use Class A1)
- No. 423 is occupied by Sagar Sweet Centre which consists of hot food take-away at ground floor (Use Class A5) with restaurant above (Use Class A3).

- No. 424 is a photographic studio (Use Class A1).
- 2.2 Duncan Street which is a one way street provides access to the rear of the premises and has seven car parking spaces to be used in conjunction with Sagar Sweet Centre and Restaurant.
  - 2.3 The premises are located in close proximity to All Saints and Blakenhall Community Development (ABCD). This area is part of a Strategic Regeneration Area which consists of new dwellings and new commercial properties.

### **3. Application Details**

- 3.1 The application is for a single storey rear extension to enlarge the food preparation and stores to Sagar Sweet Centre including a covered yard area.
- 3.2 The proposed single storey rear extension would be also attached to the rear of No. 423A Dudley Road. A rear access door to the premises would be removed to accommodate the new extension for Sagar Sweet Centre.
- 3.3 The proposed covered yard area would be attached to the rear of all three premises which would shelter an existing external walk- in cold freezer and refuse storage.

### **4. Planning History**

- 4.1 11/00683/FUL – 423 Dudley Road for Change of use from shop (A1) to hot food take-away (A5) at ground floor with restaurant (A3) at first floor. Granted, dated 13 September 2011.
- 4.2 12/00615/FUL– 423 Dudley Road for retrospective planning permission for external cold food storage. Granted, 12 July 2012.

### **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 No representations received.

## **8. Internal Consultees**

### **8.1 Environmental Health**

No objections. Environmental Health supports this application in order to improve food safety and performance of the business. Currently there is not adequate space to carry out the various activities on site and the proposal comprises food safety improvements.

The renovation of the building would also improve the structural condition of the premises which is below the expected standard.

### **8.2 Building Control**

In respect of the rear access door the design is considered satisfactory if the occupant of the premises occupies both ground and first floor levels and the premises are fitted with adequate fire system and alarms.

## **9. Legal Implications**

9.1 There are no specific legal implications arising from these proposals. KR/13122013/Y.

## **10. Appraisal**

10.1 The key issues are: -

- Health and Safety
- Parking
- Refuse Storage

### **10.2 Health and Safety**

Health and safety concerns had initially been raised by Building Regulations in respect of removing the rear access door to 423A Dudley Road to accommodate the proposed extension at 423 Dudley Road for Sagar Sweet Centre.

10.3 However the proposal is now considered satisfactory further to clarification that the occupant of the 423A Dudley Road operate the funeral services from ground floor, the first floor level is used for storage and the premises are fitted with adequate fire system and alarms.

### **10.4 Parking**

The current parking arrangement will not be changed or affected by the proposal. There are no changes to the current restaurant at first floor level. Therefore the car park to the rear of the premises consisting of



seven car parking space will remain unchanged to serve the existing premises.

#### **10.5 Refuse Stores**

The refuse storage will remain located to the rear of the premises. The proposed covered yard will improve the rear area from its current condition. A double gate will be installed to replace the existing single gate for easy access to remove the refuse.

### **11. Conclusion**

11.1 The proposed scheme is to improve the existing kitchen and food preparation facilities for Sagar Sweet Centre and Restaurant. The proposal will improve the existing relatively small kitchen, preparation area and the rear yard which is currently below the Environmental Health expected standards.

11.2 There are no changes proposed to the current parking arrangement therefore the extension will not impose any adverse impact on customers using the services provided at Sagar Sweet Centre and Restaurant.

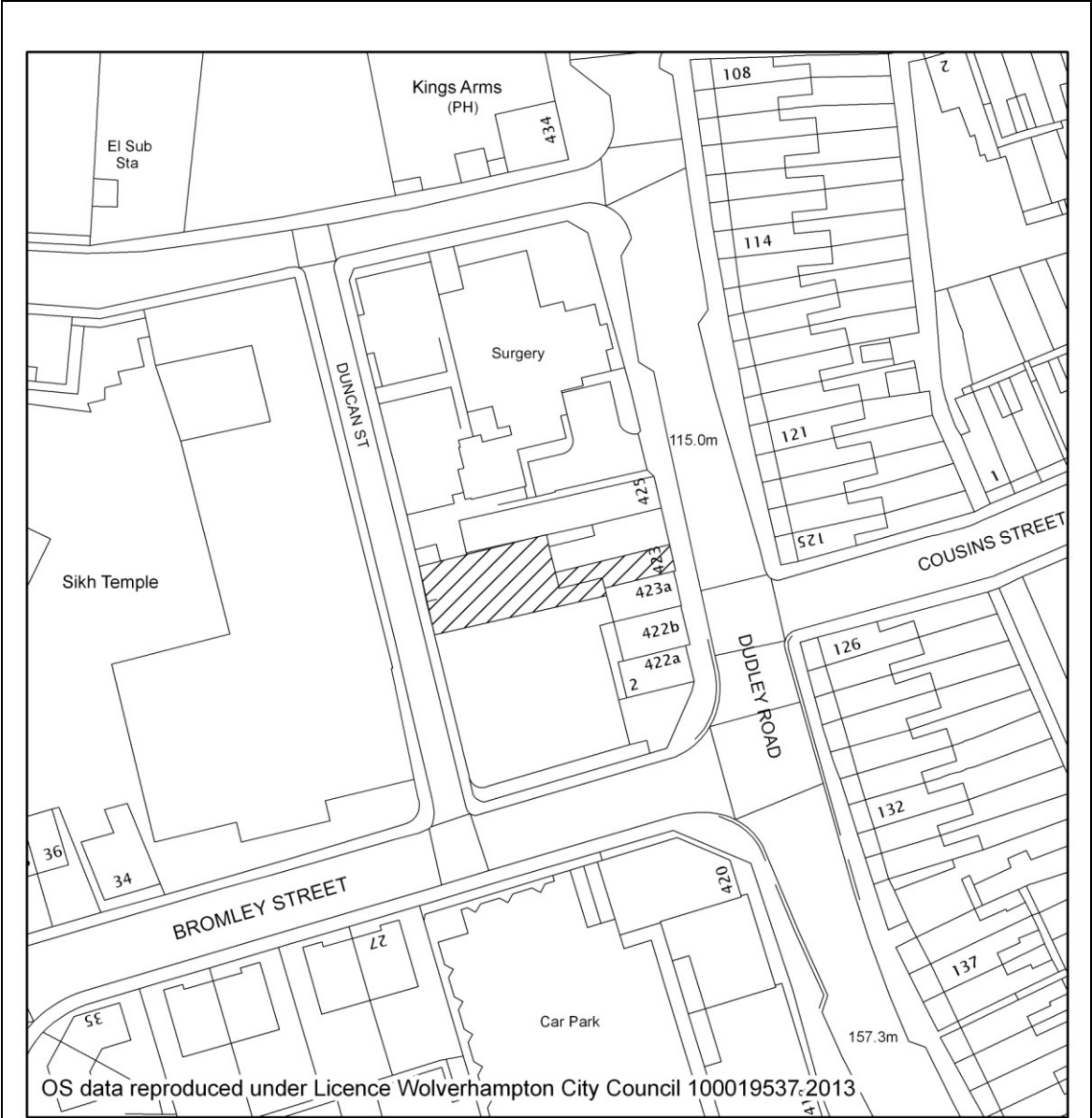
11.3 The rear yard will be greatly improved from its current standard and will not adversely affect the occupiers at 423A should the rear access door be removed from the premises. Therefore the removal of the rear access door to accommodate the proposed extension will not adversely affect the premises.

11.4 The proposals comply with UDP policies D4, D6, D7, D8, D9, H6, SH1, SH7, SH9 and BCCS policies CSP4, ENV3 and CEN5

### **12. Detailed Recommendation**

12.1 That planning application 13/01042/FUL be granted, subject to any appropriate conditions including:

- Matching materials.
- Adequate Ventilation System
- 423A Dudley Road shall be maintained as one unit and shall not be separated into individual units.
- Adequate fire warning systems to be provided at 423A Dudley Road which shall be maintained thereafter.
- Sufficient space for refuse bins shall be provided and maintained within the premises and not on the adjacent car park.



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# Planning Committee

7 January 2014

|  |   |                                   |
|--|---|-----------------------------------|
| <b>Planning Application No</b>                 | 13/01145/FUL  |                                   |
| <b>Site</b>                                    | Land adjacent to 34 Thorneycroft Lane, Wolverhampton  |                                   |
| <b>Proposal</b>                                | Demolition of garages and erection of two apartment blocks, comprising a total of nine flats. |                                   |
| <b>Ward</b>                                    | Heath Town  |                                   |
| <b>Applicant</b>                               | Mr Jake Sedgemore   |                                   |
| <b>Cabinet Member with Lead Responsibility</b> | Councillor Peter Bilson<br>Economic Regeneration and Prosperity                               |                                   |
| <b>Accountable Strategic Director</b>          | Tim Johnson, Education and Enterprise   |                                   |
| <b>Planning Officer</b>                        | Name  | Ann Wheeldon                      |
|  | Tel   | 01902 550348                      |
|  | Email   | Ann.wheeldon@wolverhampton.gov.uk |

## 1. Summary Recommendation

1.1 Grant.

## 2. Application site

2.1 The application site fronts on to Thorneycroft Lane, a busy route in to the city. It comprises two separate adjacent plots, both of which contain existing garages.

2.2 The site is surrounded by residential dwellings on all sides except for the west, where there is an existing hot food takeaway adjacent to the site.

2.3 The sites are separated by an existing garage and its access, which are outside the ownership of the applicant and do not form part of the application.

2.4 The site slopes sharply down from the east to the west.

### **3. Application Details**

3.1 Demolition of 13 garages and erection of two apartment blocks, each of two storeys with a mansard roof. The apartment blocks would comprise nine flats and have associated vehicle parking, cycle parking, amenity space and bin storage to the rear.

### **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 SPG3 '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 Six objections have been received which can be summarised as follows:

- Loss of daylight
- Loss of privacy
- Loss of sunlight
- Overlooking
- Unacceptable visual impact
- Buildings too tall
- Insufficient parking
- Overdevelopment

### **7. Internal Consultees**

7.1 Transportation – No objection.

7.2 Environmental Services – no objections

## **8. External Consultees**

- 8.1 Coal Authority – No objection subject to a condition requiring a site investigation to establish any mining legacy issues and if necessary remedial measures.
- 8.2 Severn Trent Water – No objection subject to a condition requiring drainage details.

## **9. Legal Implications**

- 9.1 There are no specific legal implications arising from this report.(LD/19122013/A)

## **10. Appraisal**

- 10.1 The key issues are:-

- Principle of residential development
- Design
- Neighbour amenity
- Access and Parking
- Amenity

### **10.2 Principle of residential development**

The surrounding area is predominantly residential and therefore there would not be any planning policy objection to this use at the site. The proposed redevelopment of this visually poor garage site on this main road frontage is welcomed and would improve the appearance of the existing street scene and adjacent residential amenities. Therefore, this would comply with UDP policies D4 – Urban Grain and D9 – Appearance and BCCS policies ENV3 – Design and CSP4 – Place Making.

### **10.3 Design**

The footprint of the two apartment blocks would respect the existing building lines. The proposed buildings are of a bespoke design with acceptably detailed facades. The roof level drops in height to complement the slope of the site and the proposed undercroft parking would be shielded from the view from the main road by the proposed wall. Therefore this would comply with UDP policies D7 – Scale-Height , D8 – Scale-Massing and D9 – Appearance and BCCS policies ENV3 – Design Quality and CSP – Place Making.

### **10.4 Neighbour Amenity**

The proposed buildings would be located to the front of the site to maximise the distance from the rear of the proposed buildings to the dwellings to the rear and to minimise any loss of daylight. The distance

between the rear windows and those of the existing properties to the rear would be acceptable by virtue of the orientation of both buildings. This would ensure that there is no detrimental impact on privacy or any overlooking. Therefore this would comply with UDP policies D7- Scale –Height and D8 – Scale\_Massing.

#### 10.5 **Access and Parking**

The proposed access and parking arrangements would be acceptable, with six parking spaces provided. Therefore this would comply with UDP policies AM12 - Parking and Servicing Provision and AM15 – Road Safety and Personal Security

#### 10.6 **Amenity**

The proposal will include sufficient amenity space to the rear of the site and have no adverse effects on the amenities of adjoining occupiers. Therefore, this would comply with Supplementary Planning Guidance 3 'Residential Development' and D7-Scale –Height and D8 –Scale-Massing.

### 11. **Conclusion**

11.1 The proposal is acceptable and in accordance with the development plan.

### 12 **Detailed Recommendation**

12.1 That planning application 13/01145/FUL be granted subject to any appropriate conditions to include:

- Land contamination
- Drainage
- Submission of materials
- Boundary treatments
- Bin storage details
- Landscaping

**This plan is indicative only – a more detailed plan will be entered for planning committee**



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**Planning Application No:**

|                     |        |                         |  |
|---------------------|--------|-------------------------|--|
| Location            |        |                         |  |
| Plan Scale (approx) | 1:1250 | National Grid Reference |  |
| Plan Printed        |        | Application Site Area   |  |