

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

Membership

Chair Cllr Paul Sweet (Lab)
Vice-chair Cllr Gillian Wildman (Lab)

Labour

Cllr Alan Butt
Cllr Celia Hibbert
Cllr Rita Potter
Cllr Jacqueline Sweetman
Cllr Tersaim Singh
Cllr Jacqui Coogan
Cllr Jasbinder Dehar

Conservative

Cllr Wendy Thompson
Cllr Bob Maddox

Quorum for this meeting is four Councillors.

Information for the Public

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

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of the previous meeting (Pages 3 - 6)
[To approve the minutes of the previous meeting as a correct record] |
| 4 | Matters Arising
[To consider any matters arising] |
| 5 | 22/01166/FUL - Esso, Merry Hill Service Station, 220 - 230 Coalway Road, Wolverhampton, WV3 7NN (Pages 7 - 14)
[To consider the planning application]. |
| 6 | 22/01049/OUT - Land Behind 2 To 30 Eccleshall Avenue, Wolverhampton,
(Pages 15 - 24)
[To consider the planning application]. |
| 7 | 22/00888/FUL - 23 Coppice Road, Wolverhampton, WV3 8BJ (Pages 25 - 28)
[To consider the planning application]. |
| 8 | 23/00350/FUL - 112 Wrottesley Road West, Wolverhampton, WV6 8UR (Pages 29 - 32)
[To consider the planning application]. |

Attendance

Councillors

Cllr Paul Sweet (Chair)
Cllr Gillian Wildman (Vice-Chair)
Cllr Alan Butt
Cllr Jacqui Coogan
Cllr Jasbinder Dehar
Cllr Celia Hibbert
Cllr Rita Potter
Cllr Tersaim Singh
Cllr Bob Maddox
Cllr Wendy Thompson

Employees

Stephen Alexander	Head of Planning
Tracey Homfray	Planning Officer
Donna Cope	Democratic Services Officer
Tim Philpot	Professional Lead - Transport Strategy
Max Howarth	Solicitor

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for absence**

Apologies for absence were received from Councillor Sweetman.

Councillor Bennett was present as an observer and did not take part in any discussions or votes.

2 **Declarations of interest**

There were no declarations of interest.

3 Minutes of the previous meeting

Resolved:

That the minutes of the previous meeting held on 21 March 2023 be confirmed as a correct record and signed by the Chair.

4 Matters Arising

There were no matters arising.

5 22/00528/OUT - Land West of 301 Bridgnorth Road, Wolverhampton

The Committee considered a report regarding 22/00528/OUT - Erection of 6 self-build dwellings with access and amenity areas, creation of children's playground and open space.

Stephen Alexander, Head of Planning, outlined the report.

Mr Peter Serieys addressed the Committee and spoke in opposition to the application.

Mr Otto de Weijer addressed the Committee and spoke in support of the application.

The report was debated by Committee, and members fully supported the recommendation that the application be refused.

Councillor Butt moved the recommendation within the report and Councillor Hibbert seconded the recommendations.

Resolved:

That planning application 22/00528/OUT be refused for the following reasons:

- The proposed development constitutes inappropriate development in the Green Belt.
- The development would adversely impact the openness and rural character of the area.
- The proposed development would adversely impact views from Wightwick Manor and Gardens and would therefore adversely impact the character and setting of the listed buildings and would harm the character and appearance of the Wightwick Bank Conservation Area.
- A Preliminary Ecological Appraisal has not been provided. The application has therefore failed to demonstrate that the proposed development will not adversely affect the important ecology and nature conservation of protected species and habitats.
- The planning application lacks sufficient detail regarding parking for the playground and public open space, appropriate access and vehicle visibility splays and could therefore have a harmful impact on highway safety.

- Without the provision of a proposed drainage strategy as recommended in the flood risk assessment it cannot be ascertained as to whether the proposal will exacerbate existing flooding issues on site and whether appropriate mitigation measures would alleviate these issues.

6 22/01049/OUT - Land Behind 2 to 30 Eccleshall Avenue, Wolverhampton

Planning application 22/01049/OUT had been withdrawn from Planning Committee so therefore was not considered.

7 23/00298/CPL - 11A Keepers Lane, Wolverhampton, WV6 8UA

The Committee considered a report regarding an application for a certificate of proposed lawful use 23/00298/CPL - Change the use of the home from C3(b) to C2, a residential dwelling into a small Children's Home, catering for no more than two young people with social, emotional, and behavioural needs.

Tracey Homfray, Planning Officer, outlined the report and noted that since the agenda had been published a further letter of objection had been received.

Mr Michael Phillips addressed the Committee and spoke in opposition to the application.

The Planning Officer responded to comments made and stated that the application had been properly made and the proposals were acceptable. She advised members that the application was for a certificate of proposed lawful use not a planning application and the recommendation was a planning application was not required for the proposed use.

The report was debated by Committee as to whether the proposed use constituted a "material change", and some members raised concerns regarding the unsuitability of the proposed location.

The Planning Officer, Head of Planning, and Max Howarth, Legal advisor, responded to questions asked and reminded members that the application was for a legal determination of a Certificate of Lawfulness application not an application for planning permission.

Councillor Butt moved the recommendations within the report and Councillor Potter seconded the recommendations.

Five members voted in favour of the application and five members voted against so as Chair of the Committee, Councillor Paul Sweet had the deciding vote which was to grant the application.

Resolved:

That planning application 23/00298/CPL be granted.

8 23/00032/FUL - 33 Upper Villiers Street, Wolverhampton, WV2 4NU

The Committee considered a report regarding 23/00032/FUL - Conversion of a six room house in multiple occupation into a seven person seven room house in multiple occupation.

Tracey Homfray, Planning Officer, outlined the report.

The report was debated by Committee, and Members felt that the proposals were wholly unacceptable for reasons including insufficient parking provisions, highway safety, health and safety issues, fire safety hazards, and poor living conditions for the residents living there.

The Planning Officer and Head of Planning responded to questions asked and in relation to concerns raised regarding the condition of the property, Max Howarth, Legal Advisor, reminded Members that HMO licences were dealt with by Private Sector Housing.

Councillor Hibbert moved that the application be refused. Councillor Dehar seconded the motion.

The proposed motion was debated.

Resolved:

That planning application 23/00032/FUL be refused for the following reasons:

- Lack of parking and the impact on highway safety
- Living conditions of the residents living there.

9 22/00888/FUL - 23 Coppice Road, Wolverhampton, WV3 8BJ

Planning application 22/00888/FUL had been withdrawn from Planning Committee so therefore was not considered.

CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 11 July 2023
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Planning application no.	22/01166/FUL	
Site	Esso, Merry Hill Service Station, 220 - 230 Coalway Road, Wolverhampton, WV3 7NN	
Proposal	Demolition and decommissioning of existing petrol filling station, retail store and car wash. Erection of Class E(a) retail store and associated development	
Ward	Merry Hill;	
Applicant	EG Group Limited	
Cabinet member with lead responsibility	Councillor Stephen Simkins: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Phillip Walker	Senior Planning Officer
	Tel	01902 55 5632
	Email	Phillip.walker@wolverhampton.gov.uk

1.0 Summary recommendation

- 1.1 Delegated authority to grant planning application 22/01166/FUL subject to conditions and a s106 agreement.

2.0 Application site and background

- 2.1 The Esso, Merry Hill Service Station, is located on the northern side of Coalway Road, a predominately residential area but close by to Merry Hill local centre, which is approximately 200 metres away to the west, and Warstones Road local centre, 300 metres away to the east.
- 2.2 The site includes fuel pumps, under a large canopy and a single storey “Spar” retail store with a gross internal floor area of 90sq.m. Vehicular and pedestrian access is from Coalway Road. The fuel pumps and canopy, occupy a large part of the central area of the site. The shop is also centrally located but is positioned adjacent to the fuel pumps, within the eastern part of the site and near to the site boundary with 218 Coalway Road. A car wash is sited at the rear of the site, to the north-west of the fuel pumps. The car wash is largely screened from New Street, an adjoining residential street, by a 1.8m high

brick wall and trees. The northern site boundary is demarked by a 3m high brick wall and adjoins 23 New Street and 1 Coalway Gardens. Adjoining the south-western site boundary are two shops with a flat above, 234 (clothes shop) and 236 (opticians) Coalway Road. On the opposite side of Coalway Road, are residential houses and bungalows and a beauty salon.

- 2.3 The existing service station has operated from the site for at least forty years. It operates 24 hours of the day, seven days a week.

3.0 Application details

- 3.1 The application proposes the demolition and decommissioning of the existing service station and the erection of a retail store and associated vehicle, cycle, and motor cycle parking and infrastructure.
- 3.2 The proposed retail store building would be single storey and have a gross internal floor area of 308 sq.m. It would be a rectangular shape and be positioned set back from Coalway Road. The customer facing elevations of the building, including entrances, would be orientated south and west, towards Coalway Road and the car parking areas. The non-public facing, eastern building elevation would adjoin 218 Coalway Road, and the northern elevation of the building would adjoin the rear gardens of 23 New Street and 1 Coalway Gardens. The building is single storey throughout, but the height of the building is lowered towards the rear, including a flat roof. The lowered part of the building is a maximum height of three metres, which is the same height as the boundary wall which is positioned between the building and the adjoining residential property. The building is a contemporary design, constructed from cladding and glazed panels.
- 3.3 The existing vehicular accesses would be retained from Coalway Road. Improved pedestrian accesses are proposed. There would be nineteen customer car parking spaces, including six spaces for electric vehicle charging. Access barriers are proposed at the entrance to and from the site.
- 3.4 The opening hours for the retail store would be between 07.00 to 23.00 hours on Mondays to Sundays. Hours of deliveries would be between 07.30 and 20.00 hours. Deliveries would be made to the rear of the building.
- 3.5 The applicant states that the retail store would likely be operated by Asda.
- 3.6 It is expected that the development proposals would represent a £2.5m investment in the site. There would be 20 jobs, of which 12 would be new jobs.

4.0 Relevant Planning history

- 4.1 05/1632/FP/C. Demolition of existing carwash and construction of new carwash facility. Granted 08.06.2006.

- 4.2 A/C/0420/84. Demolition of existing service station. Proposed redevelopment of the site to include new sales building, canopy, carwash, underground tanks and forecourt.
Granted 02.05.1984

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)

6.0 Publicity

- 6.1 Fifteen objections (including objections from Councillor W Dalton and Councillor C Hyatt), one representation not forming an objection and four supporting representations received. Comments summarised as follows:
- The existing service station operates 24 hours of the day. There are problems with antisocial behaviour, litter, noise and other forms of disturbance
 - The decommissioning of the service station is welcomed
 - Object to a 24 hour retail use at this site. Suggest limiting hours of operation of the proposed store to between 0700 and 23.00 hours or alternatively between 0800 – 2200 hours
 - The bin store is poorly positioned and will adversely impact resident amenity
 - Request a barrier is provided to prevent out of hours access to and from the site
 - Retail store not needed at this location
 - Residential redevelopment of this site would be preferred
 - Detrimental impact upon viability of existing stores to continue to operate
 - Loss of trade to existing retailers
 - Loss of jobs at existing shops
 - Noise, disturbance and pollution (including from litter and lighting)
 - Traffic and parking issues
 - Likely to result in anti-social behaviour
 - There is a need for a new retail store here, and it would be better than the existing petrol station which isn't well used

7.0 Consultees

- 7.1 Transportation – No objection subject to conditions, including implementation of any necessary amendments to existing TROs on Coalway Road, carrying out the development in accordance with the Servicing Strategy Plan, provision and retention of car parking, motorcycle and cycle parking areas, electric vehicle charging points, submission and approval of a demolition and construction management plan.

- 7.2 Public Protection – No objection subject to conditions, including requirement for a site investigation and implementation of any necessary remediation works and submission of validation reports.
- 7.3 Police – No objection subject to conditions, including carrying out the development in accordance with Secure By Design Standards and the store does not open through the night time.
- 7.4 Severn Trent Water Limited – No objections subject to a condition requiring sustainable drainage.

8 Legal implications

- 8.1 There are no legal implications arising from this report. SE/28062023/B

9 Appraisal

- 9.1 The main issues in this case are:

- The principle of the development proposal
- Design
- Resident Amenity
- Access and Parking

The principle of the development proposal

- 9.2 The application site is an out-of-centre location. Black Country Core Strategy (BCCS) Policies CEN5 and CEN7 state that only locations immediately adjoining District and Local Centres are classed as 'edge of centre', with the nearest centres being Merry Hill and Warstones Road local centres (para 2.1). Therefore, consistent with Policy CEN7 and NPPF paragraphs 87-88, the application needs to demonstrate compliance with the sequential test.
- 9.3 The applicant submitted an assessment of the availability and suitability of any sequentially preferable locations that could realistically and flexibly accommodate the proposals. Whilst the appraisal initially focussed on the closest local centres of Merry Hill and Warstones Road, the sequential test was extended to include other nearby centres. The applicant provided a further appraisal, assessing additional local centres, including Castlecroft, Finchfield, Bradmore, Penn Fields, Upper Penn, Penn Manor and Spring Hill. When considering the potential for sequentially preferable locations, such as vacant units, even when taking into account reasonable flexibility, none are able to deliver a form and size of site required by the intended occupier.
- 9.4 The application of the sequential test is proportionate and appropriate for the proposal. There are no suitable or available sites to accommodate the proposal in, or on the edge of centres, nor in any accessible locations that are well-connected to centres. Therefore,

the application meets the requirements of the sequential test in accordance with BCCS Policy CEN7 and the NPPF.

- 9.5 The proposal is to create a retail store of 308 sq.m. BCCS Policy CEN7 requires an impact assessment for proposals above 200 sqm (gross) (NPPF paragraph 90). An analysis addressing impact has been provided, proportionate to the scale and nature of the proposal.
- 9.6 Existing individual stores are not afforded specific planning policy protection. The NPPF impact tests have to be focused on assessing designated centres as a whole. The applicant has used reasonable assumptions, including taking account of the proposal's passing-trade function, informed by nationally published data and the Black Country Centres Study (2021). On this basis, the estimated increased retail turnover at the site would have a dispersed impact across the network of centres in the local area, with a likely trade draw of between 1.64% from Spring Hill, and 7.61% from Merry Hill local centres. In terms of the health of local centres, relatively few vacancies reflect the resilient function they perform focussed on providing a variety of shopping (particularly convenience (food) retail) and services serving the local community.
- 9.7 Therefore, in terms of NPPF paragraph 90, the applicant has satisfactorily demonstrated that the nature of the proposal and its modest level of trade draw would not individually or cumulatively cause a significant adverse impact on the vitality and viability of centres, including local consumer choice and trade. Also, the proposal would not impact on any existing, committed and planned public and private investment in centres.
- 9.8 The NPPF does not have a formal planning policy 'need' test, and as the application satisfies the sequential and impact tests in accordance with BCCS Policy CEN7 and the relevant provisions of the NPPF, the proposal is acceptable in principle.

Design

- 9.9 The proposed retail store would be a modern, contemporary design, with attractive glazing and sloping roof design, which would be a significant improvement on the existing utilitarian and unattractive structures at the site. The scale and layout of the building and car parking areas respect the surroundings. The landscape scheme will improve the appearance of the street scape and create a pleasant setting for the new development. Overall, the proposals will enhance the character and appearance of the street scene.

Resident impact

- 9.10 The proposals would represent an improvement in terms of the impact of this development site upon neighbour amenity. The removal of the existing unattractive structures and replacement with a modern, contemporary building will improve visual amenity. The removal of the car wash and restriction on opening hours of the store to between 07.00 – 23.00 on Mondays to Saturdays, will significantly reduce noise and

disturbance from the site for surrounding residents. The building design, which will be lowered at the rear, with a flat roof and a maximum height of 3 metres alongside neighbouring gardens at 218 Coalway Road, 1 Coalway Gardens and 23 New Street would be appropriate, particularly since the existing and retained screen boundary wall between the rear of the store and those houses is also 3m high. There would be no unacceptable impact in terms of loss of privacy, sunlight to, or outlook from those properties.

Access and parking

- 9.11 The proposed provision of customer and staff car parking spaces is sufficient to meet likely demand. The existing access into and out of the site is to be retained and provided with access gates. The applicant has demonstrated acceptable manoeuvring space for larger servicing vehicles within the site. The proposals include safe and accessible routes within and into and out of the site for pedestrians. Transportation Officers have confirmed, the scheme is acceptable from a pedestrian and highway safety perspective.

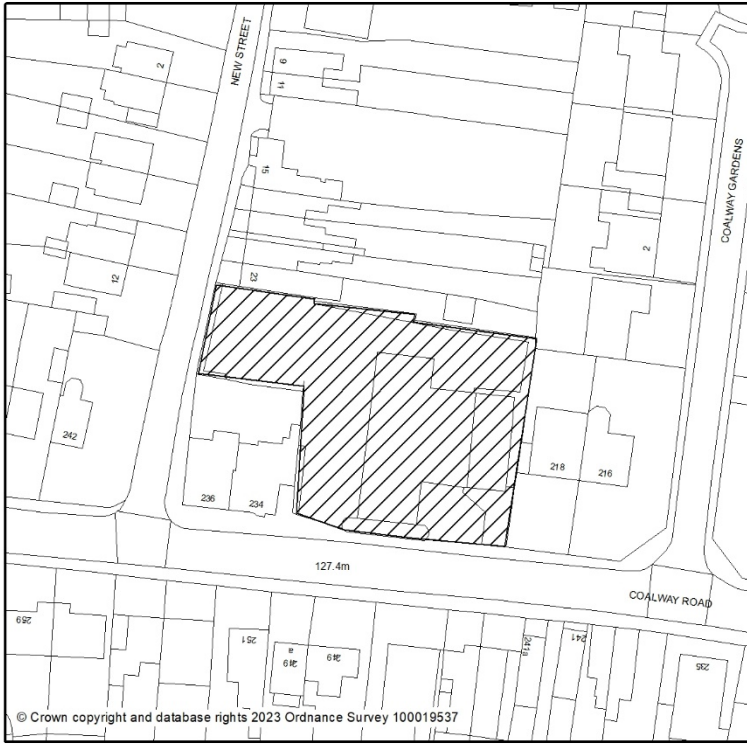
10.0 Conclusion

- 10.1 The applicant has satisfactorily demonstrated that the proposed retail store would not be detrimental to the vitality and vibrancy of nearby local centres.
- 10.2 The existing service station is open 24 hours of the day, seven days of the week. Nearby residents have made complaints about noise and disturbance from this site, including from the car wash, and particularly during the night and in the early hours of the morning. This proposal would resolve, to a large extent, those problems currently experienced by adjoining residents, particularly during the night-time and early mornings, because the retail shop would not be operational during those hours and there would no longer be a car wash. Planning conditions could be used to restrict the use of the store and to protect neighbour amenity.
- 10.3 These proposals are acceptable and in accordance with the policies of the development plan, subject to conditions, including restricting the use of the store to retailing only, within Use Class E (a) and limiting opening hours of the store to between 07.00 - 23.00 on Mondays to Sundays.

11.0 Detail recommendation

- 11.1 Delegated authority to grant planning application 22/01166/FUL subject to
1. Any necessary conditions to include:
- Restriction to retail use only - Class E (a)
 - Decommissioning, demolition and construction management plan
 - Provision and retention of vehicle parking areas
 - Boundary treatments including provision and retention of access gates

- Provision and retention of bin stores
 - Provision and retention of cycle stores
 - Submission and approval of external lighting
 - Restriction of hours of opening to between 07.00 and 23.00 hours Mondays to Sundays only
 - Restrict hours of deliveries to between 07.30 and 20.00 hours
 - Implementation of tree protection measures and hard and soft landscaping scheme
 - Site investigation and implementation of any necessary remediation works and submission of validation reports
 - Implementation in accordance with Service Strategy Plan
 - Electric Vehicle Charging Points
 - Implementation in accordance with the details and recommendations of the submitted noise report
 - No fixed roof plant
 - Full details (including noise emissions and external appearance) of any plant and equipment to be agreed with the local planning authority prior to installation
 - Submission and approval of site levels (including finished floor levels for the retail store)
2. A s106 agreement to secure a financial contribution of £6,000 for any necessary highway works including amendments to existing traffic regulation orders on Coalway Road.



CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 11 July 2023
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Planning application no.	22/01049/OUT	
Site	Land Behind 2 To 30 Eccleshall Avenue, Wolverhampton,	
Proposal	Proposed Residential Development for One Dwelling (Outline Permission)	
Ward	Oxley;	
Applicant	Mr Poonia	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
	Tel	01902 555641
	Email	tracey.homfray@wolverhampton.gov.uk

1.0 Summary recommendation

- 1.1 Delegated Authority to Grant, subject to the completion of a Unilateral Undertaking for the Cannock Chase SAC and conditions.

2.0 Application site

- 2.1 This application site is a part of a triangular parcel of land which is nestled behind properties, fronting Eccleshall Avenue, Churchfield Road, and Beech Road. The land is accessed off Eccleshall Avenue, via an existing vehicular/pedestrian access. The land has been divided off into segments, some of which have garages and sheds. There is a National Grid Sub Station located along the shared access. The surrounding area is predominantly residential.

3.0 Application details

- 3.1 This is an outline application for one five-bedroom detached dwelling, accessed via the existing shared vehicular/pedestrian access. Matters for approval are access, layout and scale. Landscaping and appearance are reserved matters.

4.0 Planning History

4.1 This is a resubmission of the same application which was refused at Planning Committee on 16 November 2021 for the following reasons:

1. The proposed access to the proposed development is inadequate to support a development of this nature, having a detrimental impact to highway and pedestrian safety. The proposal would therefore be contrary to policies H6, AM12 and AM15.
2. Western Power have a network along the access drive, off Eccleshall Road. The proposed development will increase traffic over the underground cables to the detriment of the integrity and security of this network, and the ability to maintain supplies. Contrary to Policy H6, AM12, AM15.

4.2 This application has been resubmitted with some additional detail, to address the above concerns, and for the applicant to appeal the decision should it be refused.

5.0 Relevant policy documents

5.1 National Planning Policy (NPPF)

5.2 Black Country Core Strategy (BCCS)

5.3 Wolverhampton Unitary Development Plan (UDP)

6.0 Publicity

6.1 The application was advertised by direct neighbour notification and local newspaper advert.

6.2 A representation was received from Councillor Susan Roberts MBE, who supports the constituents in their objection to the proposal which are summarised as follows:

- The access to the site is completely unacceptable to the residents who live in the road opposite the entrance to site.
- If there was a fire at the new build it would cause major problems.
- The site need a road trough and i do not believe there is adequate space to do this from. the entrance.
- If this build is allowed to happen it will cause major disturbance to the residents of the area.
- This build is in entirely the wrong place and will impact of the daily lives of the residents of the area.

6.3 A representation was received from ward Councillor Barbara McGarrity, who supports the constituents in their objections to the proposal which are summarised as follows:

- Out of Keeping/Character
- Loss of Privacy Overlooked
- Reduce Value of properties
- Disturbance to Wildlife
- Access to narrow

- Sub Station negates the proposal to build
- Land to be developed is a dumping ground
- Sets a precedent for further applications

6.4 31 letters of objection:

- Highway/Pedestrian Safety due to the narrow nature of the access and surrounding highway, impacting on access and parking
- Access to long with respect to refuse collection
- Disruption to neighbouring properties, noise from traffic and building
- Loss of Privacy
- Loss of outlook
- Loss of light/sunlight
- Increase in volume of traffic
- Impact on the character of the residential area
- Loss of Natural Beauty/Wildlife
- Restrict Access to Other Parcels of Land
- Provides Security/Access to neighbouring properties
- Greenfield not Brownfield
- Out of character as all properties are semidetached no detached properties, mostly 2 storey/3bed
- Access not wide enough especially for larger vehicles – Problems with fire service etc
- Access/Egress on Eccleshall Avenue not wide enough, risk to damage of cars parked on the highway
- Insufficient access to drainage/electricity
- Health/Safety to uses of the access and deliveries on the highway during development
- Sets precedent for further development to other plots
- Loss of secured gate and allowing unauthorised access to neighbouring properties
- Mental wellbeing of isolated dwelling
- Property breaks Wolverhampton Planning guidance specifications
- Security issues with open access to vital Mains substation and access to rear of residential gardens
- Disturbance to those with ill health
- Highway/Pedestrian safety due to the narrow nature of the access
- Devaluation of existing dwellings due to introduction of unwanted development
- Disruption to neighbouring properties, noise from traffic and building work
- Increase in volume of traffic on long gravel path
- Breach of restrictive covenants in place since estate was developed in 1934
- Anti-social behaviour
- Unacceptable future uses, HIMO, Bail Hostel
- Insufficient amenity for proposed dwelling
- Jeopardize sales of other properties
- Damage to properties during construction

7.0 Consultees

7.1 Transportation – No Objections subject to conditions.

7.2 Coal – No Objection

7.3 National Grid (Previously known as Western Power) – No Objection Subject to Condition:

As discussed, our focus is on protecting the integrity and security of our distribution network. However, we do now appreciate that it may be more appropriate to undertake the impact review we are suggesting is necessary once there is more certainty associated with the proposed development.

This is the condition that we would propose:

No development shall commence until investigative works to determine the potential impacts of the development on National Grid (Electricity Distribution (Midlands) Plc's electricity apparatus have been carried out and a report detailing such investigative works and any resulting recommendations has been submitted to and approved in writing by the Local Planning Authority. In the event that the report identifies the need for mitigation works or measures to protect the apparatus, no development shall commence until a methodology for carrying out such works or measures, including a timetable for completion thereof, has been submitted to and approved in writing by the Local Planning Authority. The mitigation works or measures shall then be implemented and completed strictly in accordance with the approved methodology, including the timetable for completion set out therein.

7.4 Ecology

The Report is satisfactory and no further Ecological Assessments or Surveys are required before consideration is given to granting outline planning consent. The recommendations on Mitigation and Enhancements contained in the Assessment should be followed by the developer. Detailed hard and soft landscaping plans will be required.

8.0 Legal implications

8.1 There are no legal implications arising from this report SE/30062023/C

9.0 Appraisal

9.1 The key issues in this case are urban design, highway/pedestrian safety and the impact on neighbours' amenities, wildlife, and utilities.

Urban Design

9.2 The surrounding area is predominantly residential; therefore, the principle of residential development is acceptable.

- 9.3 The triangular piece of land has been divided up and owned by separate people, some of the land is used for garages, storage and parking of vehicles, one parcel of land has been left unattended, to overgrow naturally, another appears to be used for some form of commercial activity. Therefore, there is no formal designation for these private parcels of land. The garages adjacent to the application site, are now within the ownership and in control by the applicant.
- 9.4 The layout displays a large detached property, located along the western boundary of the plot adjacent, an overgrown parcel of land. The layout provides a sufficient amount of private garden land and parking to support the proposed dwelling and its occupants. Access to the dwelling would be along a shared access drive. The layout would have no detrimental impact on the established pattern of development, so would therefore, be in keeping with the character and appearance of the surrounding area.

Highway Safety

- 9.5 The existing access, is currently used by both pedestrians and vehicles, in connection with the various parcels of land and their usage. The development, which would be for one five bedroom dwelling, should not generate an increase in vehicle trips that would have a significant impact on Eccleshall Avenue or the wider highway network. Therefore, the access would be suitable for a residential development of this size.
- 9.6 Access for larger vehicles during the development stage would be difficult. This is due to the narrow nature of the access. However, this could be addressed by condition for a "Construction Method Statement", which would be submitted for assessment/release. The statement would need to address access, by submitting a plan of action, which would prevent any larger vehicles accessing the site, protecting the access. The agent has confirmed that all deliveries would have to be made by suitable smaller vehicles which currently access the site. They have also suggested a "Banksman" at the entrance to the site to supervise access, in relation to Eccleshall Avenue, and to organise deliveries outside peak hours.
- 9.7 The volume of traffic associated with a dwelling of this size, would not be significantly different to the level of traffic which currently exists, on the access to this site. National Grid do have concerns, however, after considering the application detail and dialogue with the applicant, they are now in a position to support the proposal, subject to the inclusion of a condition which would need to be addressed prior to any development taking place. The condition would require any necessary investigations/mitigation measures, in order to protect their apparatus etc.
- 9.8 Without physical changes to the existing access, any vehicle larger than a Transit Van type vehicle would be unlikely to enter \ exit the access road, especially if \ when cars are parked on Eccleshall Avenue. This would need to be considered by any future residents \ occupiers. The access road is private, but it should be constructed so that mud and dirt are not brought out onto the highway network. Therefore, suitable replacement surfacing for the access road would be necessary, especially in light of the concerns raised by National Grid, this can be conditioned as part of the decision.

- 9.9 With reference to Refuse Vehicles, and Fire Service, accessing the site. This can also be addressed, by residents putting their own bins out for collection on Eccleshall Avenue, which is normal practice for surrounding dwellings, and in the case of a fire, internal sprinkler systems can be incorporated into the design as part of the building regulation application.

Neighbour Amenities

- 9.10 The proposed dwelling would be located adjacent to the western boundary with a neighbouring parcel of land and set in from the boundaries with neighbouring residential gardens. Although the dwelling would be clearly apparent, from neighbouring properties, due to the detachment from the boundaries, and a suitable window to window relationship, the development would not appear overbearing or oppressive. Restrictions, for future development could also be conditioned in order to protect neighbouring amenities.
- 9.11 Neighbours have raised concerns over disturbance during development, and from vehicles accessing the site, along with security. Disturbance during development can be conditioned, so that development takes place during suitable times of the day. Vehicle movement generated by a property of this size, would not be significantly different to what currently exists, so there would be no excessive increase in disturbance from vehicles approaching or leaving the site. With respect to security, the site is currently accessed by owners of the site, and possibly other members of society. Development would be enclosed by suitable boundary treatment, preventing direct access, and once occupied the development would also provide natural surveillance, providing further security.
- 9.12 The development site is currently an untidy piece of land, and on the previous application some neighbours welcomed development, as it would tidy the area up, and prevent vermin. It is hoped that once development is completed, it would deter any antisocial activity taking place, in the vicinity.
- 9.13 Concerns have been raised with respect to covenants on the land and rights of access. These are private issues to be addressed between the parties concerned, and are not material considerations with respect to planning applications.

Wildlife

- 9.14 Wildlife has been considered via the submission of an Ecological Appraisal dated 6 January 2021, subject to the recommendations on Mitigation and Enhancements contained in the Assessment, being carried out by the developer, there would be no detriment to the wildlife in this area. The Mitigation/Enhancements can be conditioned as part of the proposal, including any updates to them.

Unilateral Undertaking

9.15 A new Cannock Chase Special Area of Conservation (SAC) planning contributions system came into effect on 1 April 2022. This requirement sits under Policy ENV1: Nature Conservation of the adopted Black Country Core Strategy, which states that: “Development within the Black Country will safeguard nature conservation inside and outside its boundaries by ensuring that development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites”

“The development of housing with its associated population growth may lead to indirect adverse impacts on Cannock Chase SAC. This is likely to be caused by increased visitor activities on Cannock Chase and is the subject of ongoing research. Depending on the outcome of this research, development plans and proposals may be required to demonstrate appropriate and proportionate measures sufficient to avoid or mitigate significant identified adverse impacts. Guidance may be given through subsequent local development plan documents.”

As the site falls within the zone for mitigation measures, a financial contribution would be required, with a payment of £290.58 per home and is non-negotiable, even for reasons of viability. This is because mitigating harm to SACs is a legal requirement. The contribution will increase in line with inflation each 1 April.”

10.0 Conclusion

10.1 The application has satisfactorily demonstrated that the development can be accommodated, without any significant detriment to the character/appearance of the area, highway/pedestrian safety, neighbouring amenities, and wildlife. Therefore, subject to the Unilateral Undertaking for the Cannock Chase SAC and inclusion of conditions, the proposal is acceptable and in accordance with the Development Plan.

11.0 Detail recommendation

11.1 Delegated Authority to Grant Planning Permission subject to the following:

- Completion of a Unilateral Undertaking for a financial contribution of £290.58 for the Cannock Chase SAC.

And

Any necessary conditions to include:

- Submission and Implementation of landscaping

- Sustainable Drainage
- Levels
- Boundary Treatment
- Tree Protection
- Materials
- External Lighting
- Parking provision as shown, and to be provided before occupation/and maintained as parking
- Turning Area as Shown and to be provided before occupation/and maintains as a turning area.
- Electric Charging Points and to be provided before occupation.
- Hours of Operation During Construction
- Construction Management Statement
- Restrict future development.
- Nation Grid Investigation/Mitigation



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CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 11 July 2023
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Planning application no.	22/00888/FUL	
Site	23 Coppice Road, Wolverhampton, WV3 8BJ	
Proposal	Erection of one replacement detached dwelling with detached outbuilding and new front boundary treatment including gates, railings and wall	
Ward	Merry Hill	
Applicant	Mr P Birdi	
Cabinet member with lead responsibility	Cabinet Member for Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Ragbir Sahota	Planning Officer
	Tel	01902 555616
	Email	Ragbir.sahota@wolverhampton.gov.uk

1.0 Summary recommendation

1.1 Grant subject to conditions.

2.0 Application site

2.1 The application site is a flat fronted detached property with a catslide roof. The property is situated in a streetscene of predominantly detached houses which are of differing designs. The property is set back within the street resulting in a large front garden area as well as a large rear garden.

3.0 Application details

3.1 The application proposes the erection of a replacement detached dwelling with detached outbuilding and new front boundary treatment including gates, railings and wall.

3.2 The proposal seeks a modern designed detached house whilst incorporating the existing catslide roof element. The outbuilding is situated at the rear of the garden to house a leisure facility.

4.0 Relevant policy documents

- 4.1 National Planning Policy Framework (NPPF). This encourages high quality design and “beautiful” buildings.
- 4.2 The Development Plan: Wolverhampton Unitary Development Plan (UDP) and the Black Country Core Strategy (BCCS).
- 4.3 UDP policy D8 “Scale - Massing” aims to ensure that proposals make a positive contribution to an area through appropriate scale buildings that do not harm people's amenities.
- 4.4 UDP policy D9 “Appearance” encourages high quality architecture, individual expression and a variety of architectural style. It is proper to reinforce local distinctiveness, but if a design is of a sufficiently high standard it will help create urban richness and diversity.
- 4.5 BCCS policy ENV3 “Design Quality” aims to deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

5.0 Publicity

- 5.1 Two letters of objection and a seven signature petition from four different households were received objecting to the proposal on the following grounds:
- Size and location of outbuilding;
 - Outbuilding not to be used for residential occupation;
 - Concerns for the ventilation and drainage of the use of the outbuilding;
 - Vehicular access to rear garden;
 - Dog pen and the possibility of it becoming a business.

6.0 Legal implications

- 6.1 There are no legal implications arising from this report SE/11052023/A.

7.0 Appraisal

- 7.1 The area is predominantly residential in character and is situated in a streetscene of predominantly detached houses of differing designs. The application site of Coppice Road, the houses are set back from the road with large front garden/parking areas with further spacious gardens to the rear.
- 7.2 The adjacent houses have been extended and this proposal seeks to add a modern new addition in this streetscene whilst retaining elements of the existing property in particular the cat-slide roof. The scale, massing, design and layout is considered as not to adversely affect the character and appearance of the adjacent properties and the streetscene. Due to the position of the neighbouring properties, the property has been designed to have no adverse effect on their amenities.

- 7.3 The petition submitted objecting to the proposal largely raises concerns with the outbuilding, its location, size and its use. The applicant proposes to use this outbuilding ancillary to the main house as a leisure facility to house a gym, swim spa, sauna and steam room. The design of the roof is as such that to eaves the outbuilding has a height of 2.1metres and to the ridge of the roof at 3.97metres. The amenities of neighbours will not be adversely affected by this outbuilding as a result of the location and size of the building due to its setting in the large rear gardens. Furthermore the design of the roof slope is such that the eaves at 2.1metres on the boundary with the properties to the eastern elevation will not cause those residents to be adversely affected by this proposal.
- 7.4 Concerns have been raised about the ventilation and drainage of the outbuilding as a result of it being used as a leisure facility housing a gym, swim/spa, sauna and steam room. However these are not material planning considerations and will be considered under Building Regulations.
- 7.5 Finally, the dog pen is for the family pet and the proposal does not propose to use the property as dog kennels.

8.0 Conclusion

- 8.1 The proposal has been considered and amended to be more in keeping with the scale and massing of the properties in the streetscene. Whilst it offers a modern design, the properties within the existing streetscene differ in design and therefore this is considered to be acceptable.
- 8.2 The concerns of residents, primarily about the outbuilding have been carefully considered and it has been determined that this would not harm their amenities. Furthermore other concerns raised are not material planning considerations and it is therefore considered to be acceptable and the proposal being in accordance with approved policies in the development plan.

9.0 Detail recommendation

- 9.1 Grant subject to the following conditions:
- Materials
 - Details of boundary treatments
 - Landscaping scheme
 - Levels
 - Sustainable drainage
 - Electrical vehicle charging point
 - Construction working hours
 - Remove permitted development rights for extensions and outbuilding

Note for Information
Coal Mining

This report is PUBLIC
[NOT PROTECTIVELY MARKED]



CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 11 July 2023
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Planning application no.	23/00350/FUL	
Site	112 Wrottesley Road West, Wolverhampton, WV6 8UR	
Proposal	Single storey rear, first floor side, double storey front and roof extensions. (Amendment to 22/00229/FUL - ground floor rear extension increased and has an additional central rooflight).	
Ward	Tettenhall Regis;	
Applicant	Mr and Mrs K Kandola	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Stephen Alexander	Head of City 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 Large detached single dwelling house with a large garden, in a row of similar properties, in a wide, tree-lined residential street with grass verges. The character of the area is generally open, green and spacious.

3.0 Application details

3.1 A previous application for a similar extension, 22/00229/FUL, was allowed on appeal. The only difference between this application and the one that has been approved by the Planning Inspectorate is the length of the approved ground floor rear extension is slightly increased and has an additional central rooflight.

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 and the Tettenhall Neighbourhood Plan (TNP).
- 4.3 UDP policy D8 “Scale - Massing” aims to ensure that proposals make a positive contribution to an area through appropriate scale buildings that do not harm people's amenities.
- 4.4 TNP policy 12A “New Development to Respect Existing Local Character” aims to ensure that extensions respect and reinforce the established character of an area by taking into account the spacing between buildings and domestic gardens (including the proportion of garden area to building).

5.0 Publicity

- 5.1 One representation has been received objecting on the following grounds:
- Overlarge size of the proposed single storey rear extension detrimental to neighbours' amenities and the character and appearance of the area.

6.0 Legal implications

- 6.1 No implications arising from the report. SE/27062023/A

7.0 Appraisal

- 7.1 The rear extension allowed on appeal extended 6m from the back of the house.
- 7.2 The length of just over half of the extension has been increased by less than 0.5m closest to the neighbour to the east. This part of the extension is set 1.5m away from the neighbour's boundary. The part of the extension closest to the neighbour to the west has been increased by 1.3m. The neighbour to the west has existing extensions.
- 7.3 In their decision letter the Planning Inspector made the following comment:
- “The rear extension would not affect the street scene. It would project out a marked distance beyond the rear wall of the house but a sizeable garden would remain. Also, the addition would have a flat roof and so only the top part would be visible above boundary features from ground floor level at adjoining residences. The extension would be seen from the upper floor windows of adjacent dwellings but these localised and private views would not meaningfully affect the general character and appearance of the area”.*
- 7.3 The decision to allow the appeal and these comments are a material consideration in the determination of this application that in planning law attracts significant weight. Also, the part of the extension closest to the neighbour's garden to the east is not significantly larger than the approved scheme.

8.0 Conclusion

- 8.1 The Inspector thought that the appeal extension was acceptable. Each case is treated on its merits, and in this case the Inspector's previous decision carries significant weight in

the planning balance. The current proposal would be the same height and would not project much further. It would still not affect the street scene, there would still remain a sizeable garden and only the top part would be visible above boundary features. The extension would have a slightly greater impact on localised and private views. The slight increase in size would not result in a meaningful affect on the general character and appearance of the area that would be significantly different to the allowed scheme. Given the decision made by the Planning Inspector and their comments, the proposal in this case is acceptable.

9.0 Detail recommendation

- 9.1 Grant subject to conditions (the same as recommended by the Planning Inspectorate in the allowed appeal for the sake of consistency).



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