

Planning Committee

12 September 2017

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

Venue Temporary Committee Room - First Floor - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Dr Michael Hardacre (Lab)

Vice-chair Cllr Harman Banger (Lab)

Labour

Cllr Alan Bolshaw
Cllr Keith Inston
Cllr Welcome Koussoukama
Cllr Anwen Muston
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Mak Singh

Conservative

Cllr Wendy Thompson
Cllr Jonathan Yardley

Quorum for this meeting is four Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Helen Tambini
Tel/Email Tel 01902 554070 or email helen.tambini@wolverhampton.gov.uk
Address Democratic Services Civic Centre, 1st floor, St Peter's Square, Wolverhampton WV1 1RL

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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 - 11 July 2017 (Pages 3 - 8)
[To approve the minutes of the previous meeting as a correct record] |
| 4 | Matters Arising
[To consider any matters arising from the minutes of the previous meeting] |
| 5 | 17/00875/FUL 30 Wood Lane, Bushbury (Pages 9 - 12)
[To consider the planning application] |
| 6 | 16/01278/FUL - Hanbury Tennis Club, Hanbury Crescent, Wolverhampton
(Pages 13 - 16)
[To consider the planning application] |

Attendance

Councillors

Cllr Dr Michael Hardacre (Chair)
Cllr Alan Bolshaw
Cllr Keith Inston
Cllr Anwen Muston
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson
Cllr Jonathan Yardley

Employees

Stephen Alexander	Head of Planning
Martyn Gregory	Section Leader
Phillip Walker	Senior Planning Officer
Tracey Homfray	Planning Officer
Colin Noakes	Planning Officer
Tim Philpot	Professional Lead - Transport Strategy
Lisa Delrio	Senior Solicitor
Donna Cope	Democratic Services Officer
Helen Tambini	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for absence**

Apologies for absence were submitted on behalf of Councillor Harman Banger.

2 **Declarations of interest**

There were no declarations of interest recorded.

3 **Minutes of the previous meeting**

Resolved:

That the minutes of the meeting held on 23 May 2017, subject to the amendment below in respect of minute 6, be approved as a correct record and signed by the Chair:

In response to a question regarding the distance of the nearest property to the site and the consultation undertaken, Paul Lester confirmed that according to Environmental Health, the nearest dwelling would be approximately 50m away.

Councillor Yardley challenged this distance and indicated that there are residential properties in close proximity. Paul Lester confirmed that any residential properties in closer proximity to the property would have amenity protected via planning conditions proposed as part of the planning permission. He confirmed that over 50 consultation letters had been posted, and there had been a press and site notice.

4 Matters Arising

There were no matters arising from the minutes of the previous meeting.

5 17/00586/FUL - 32 Foley Drive, Tettenhall, Wolverhampton

The Committee considered a report regarding application 17/00586/FUL, a two-storey side and rear extension, single storey rear extensions, Juliet balcony and porch to front elevation, and a new hipped roof.

Mr Paul Bowater addressed the Committee and spoke in opposition to the application.

Mr Dhaliwal addressed the Committee and spoke in support of the application.

Councillor Wendy Thompson stated that Foley Drive was a very attractive, popular area, largely due to the spacious gardens and large distance between properties. She was concerned that if more properties undertook similar extensions, this attractive characteristic would be lost. It was acknowledged however that the proposed plans had been reduced since the last planning application in April 2017.

Resolved:

That planning application 17/00586/FUL be granted, subject to the following conditions:

- Matching materials.
- No additional windows or other form of opening above ground floor level shall be introduced into the side elevations.

6 17/00505/FUL - 1 Woodfield Avenue, Penn, Wolverhampton

The Committee considered a report regarding application 17/00505/FUL, resubmission of application for demolition of derelict coach house and erection of new two-storey annexe, and remodelling of external areas with associated landscaping and parking.

Tracey Homfray, Planning Officer, reported on an update to the report since it had been published. A further 14 letters, a petition containing 104 signatures and letters from Councillor P Patten, Councillor P Singh and MP Eleanor Smith had been received all in support of the application.

Mr Paul Goddard-Patel addressed the Committee and spoke in opposition to the application.

Mr John Thorne addressed the Committee and spoke in support of the application.

Tracey Homfray, Planning Officer confirmed that the additional parking spaces referred to by Mr Thorne could not be confirmed as they were reliant on the good will

of other people. In terms of the structured play, the proposed increase in the number of children would result in that play covering the majority of the day.

Members of the Committee acknowledged the importance of child education but were concerned that the supporting infrastructure required for the proposed development had not been fully considered, thus creating parking and safety issues.

Resolved:

That planning application 17/00505/FUL be refused for the reasons set out in the report.

7 17/00137/FUL - Land at 1 Claverley Drive, Merry Hill, Wolverhampton

The Committee considered a report regarding application 17/00137/FUL, erection of a detached bungalow.

Mr F Guest addressed the Committee and spoke in support of the application.

In response to a question from Members of the Committee, Tracey Homfray, Planning Officer, confirmed that the land was owned by residents at 1, 1A and 1B. She also advised that if the application was refused the land would be restored and maintained.

Resolved:

That planning application 17/00137/FUL be refused for the reasons set out in the report.

8 17/00387/FUL - Land to the side and rear of 126 Church Road, Bradmore, Wolverhampton

The Committee considered a report regarding application 17/00387/FUL, residential development consisting of 29 dwellings.

Tracey Homfray, Planning Officer, reported on updates to the report since it had been published. She stated that a badger report had been received reconfirming there were still no badgers in the sett and that more letters of objection had been received. She advised that Environmental Health had requested more acoustic fencing should the application be granted and informed the Committee of discrepancies on the plan.

Mrs Ann Rowlands addressed the Committee and spoke in opposition to the application.

Members of the Committee discussed existing traffic problems in Church Road and were concerned that Transportation had no objections to the application.

In response to this, Tim Philpot, Transportation Officer, welcomed any requests for further information and confirmed that after full analysis of the application, Transportation were satisfied with the proposals. He referred to paragraph 6.1 and gave further details of the conditions to be imposed should the application be granted.

Members of the Committee were not satisfied with the proposed parking facilities and suggested that a full review by Transportation should be carried out. It was proposed by Councillor Judith Rowley and seconded by Councillor Inston that the item should be deferred to allow the review to be undertaken.

An amendment was proposed by Councillor Bolshaw and seconded by Councillor Muston that the application be refused on the grounds of over-development and impact on adjacent properties.

Resolved:

That planning application 17/00387/FUL be refused on the grounds of impact on adjacent properties and over-development.

9 17/00443/FUL – 188 Wood End Road, Wednesfield, Wolverhampton

The Committee considered a report regarding application 17/00443/FUL, one dormer bungalow in rear garden of 188 Wood End Road.

Phillip Walker, Planning Officer, reported on an update to the report since it had been published. He advised that a further letter of objection had been received.

Members of the Committee were concerned with the proposed parking provisions on the site plan and suggested that the driveways were widened and adequate fencing installed to maintain privacy.

Resolved:

That planning application 17/00443/FUL be granted, subject to the following conditions:

- External materials
- Landscaping and boundary treatments
- Tree protection measures
- Drainage
- Hours for construction
- Construction management plan
- Provision of parking
- Removal of permitted development rights for the insertion of windows in the rear elevation and roof
- Removal of permitted development rights for extensions and outbuildings
- Amended car parking layout and boundary treatment details.

10 17/00493/FUL - Niphon Works, 43-68 Lower Villiers Street, Wolverhampton

The Committee considered a report regarding application 17/00493/FUL, conversion of former factory to form 49 residential units (including part demolition and reconstruction).

Mr Manjit Singh addressed the Committee and spoke in support of the application.

Councillor John Rowley referred to paragraph 2.1 and advised the building was built in 1865 not 1885.

Members of the Committee welcomed the application and fully supported the proposal to restore the historical Victorian building.

Resolved:

That the Service Director, City Economy be given delegated authority to grant planning application 17/00493/FUL subject to:

i. If the development is financially viable, a Section 106 agreement for:

- Off-site public open space contribution of £50,000 for Graiseley Recreation Ground
- 25% affordable housing
- 10% renewable energy
- Electric car charging points
- Traffic regulation orders

or:

If the development is not financially viable, a reduction in Section 106 requirements commensurate on a pro-rata basis (except for the requirement for the Traffic Regulation Orders) with all flats that are ready for occupation within three years of the date that a lack of viability is demonstrated, and the full s106 requirements applying on a pro-rata basis to all flats that are not ready for occupation within three years of that date and:

ii. Any necessary conditions to include:

- Materials
- Window details
- Brick and mortar sample
- Provision and retention of car parking
- Provision and retention of landscaped deck
- Demolition method statement
- Details of bin stores
- Acoustic insulation
- Whole house ventilation system
- Access and egress details.

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Planning Committee

Tuesday, 12 September 2017

Planning application no.	17/00875/FUL	
Site	J Newton and Sons, 30 Wood Lane, Bushbury	
Proposal	Change of use from a mixed warehousing/distribution and retail use (Use Class A1 and B8) to a pure warehousing/distribution use (Use Class B8), with associated offices and window/door alterations to the facade. Security fencing	
Ward	Bushbury North	
Applicant	Angel Springs	
Cabinet member with lead responsibility	Cabinet Member for City Economy, Councillor John C Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Andrew Johnson	Planning Officer
	Tel	01902 551123
	Email	andrewK.johnson@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Grant subject to conditions.

2.0 Application site

2.1 The application site is a commercial/industrial building and car park located immediately adjacent to a railway embankment in a mixed-use area containing both housing and industrial uses. The premises is currently in a mixed use configuration, however its principle use would be a potato warehouse/distribution use with a smaller retail element, including garden centre use.

3.0 Application details

3.1 The proposals seek to utilise the site as a pure warehousing/distribution use (Use Class B8), with associated offices and training facilities. The proposals also include ancillary changes to the façade of the building and general visual improvements to freshen the appearance of the building and site.

4.0 Relevant policy documents

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

5.0 Publicity

- 5.1 One letter of objection received, including a 13 name petition (from seven households).
The reasons for objection include:
 - (i) Impact on amenity
 - (ii) Highway safety

6.0 Consultees

- 6.1 Environmental Health: No objections.
- 6.2 Transportation: No objections.
- 6.3 Network Rail: No objections.

7.0 Legal implications

- 7.1 There are no legal implications arising from this report (LD/22082017/A)

8.0 Appraisal

- 8.1 The applicant states that the proposals would create an additional six jobs at this site (10 in total), allowing Angel Springs (a bottled water retail company) to locate their distribution hub in an area of Wolverhampton that has good transport links to the Black Country, Birmingham and Telford.
- 8.2 The site is allocated for employment in the Stafford Road Corridor Area Action Plan. Therefore, the use of this site as a pure warehouse/distribution facility would be appropriate and in accordance with adopted policy.
- 8.3 Currently there are no restrictions for hours of operation for the warehousing/distribution use at this site, therefore, potentially allowing 24 hour operation seven days a week. The proposed hours of operation would be 0600 hours to 2000 hours Mondays to Fridays, 0800 hours to 1800 hours Saturdays, and at no time on Sundays or Bank and Public Holidays. This planning application would allow the Council a mechanism to prevent working throughout the night at this site.

- 8.4 Colleagues in Environmental Health have discussed the proposals with the prospective occupier and it is considered that with a careful and common-sense approach, potential disturbance to sensitive neighbours can be reduced to a minimum. Mitigation proposed by the applicant includes pre-loading of vehicles before close of business the previous day, and internal loading where necessary. The operator does not anticipate that any yard activity will take place during unsocial hours and open air storage of goods is not proposed. The outdoor loading/unloading of vehicles during unsociable hours can be controlled by planning condition.
- 8.5 Therefore, on balance, the opening hours, and any potential impacts on amenity for the neighbouring properties, are considered acceptable.
- 8.6 The proposals are in character with this setting and would improve the overall appearance and tidiness of the building and site. Visual amenity would be enhanced.
- 8.7 The use of this site for storage and distribution would be unlikely to cause harmful impacts on highway safety.

9.0 Conclusion

- 9.1 The proposed development is acceptable and in accordance with the development plan.

10.0 Detail recommendation

- 10.1 That planning application 17/00875/FUL be granted planning permission subject to any appropriate conditions including those below;
- Hours of operation:
 - 0600 hours to 2000 hours Mondays to Fridays
 - 0800 hours to 1800 hours Saturdays
 - No time on Sundays or Bank and Public Holidays
 - Landscaping and boundary treatment
 - Cycle/motorcycle parking
 - Lighting scheme
 - Extraction/air conditioning scheme
 - No loading/unloading of vehicles outside the building before 0700 hours

Planning Committee

Tuesday, 12 September 2017

Planning application no.	16/01278/FUL	
Site	Hanbury Tennis Club, Hanbury Crescent, Wolverhampton	
Proposal	Erection of eight low level retractable floodlighting on Court No.1 (2.75 metres lowered, 3.95metres fully extended)	
Ward	Penn	
Applicant	Hanbury Tennis Club	
Cabinet member with lead responsibility	Cabinet Member for City Economy, Councillor John C Reynolds	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Planning Officer	Ragbir Sahota
	Tel	01902 555616
	Email	ragbir.sahota@wolverhampton.gov.uk

1.0 Summary recommendation

1.1 Refuse.

2.0 Application site

2.1 The application site is Hanbury Tennis Club which is accessed off Hanbury Crescent, Penn. The tennis club is small in that it has two tennis courts and a club house.

2.2 The area surrounding the site is predominantly residential in character. To the rear of the properties in Hanbury Crescent, Windsor Avenue and Kingswood Gardens there are boundary fencing, trees and hedges providing screening to the site.

2.3 An access to the site is also off Hanbury Crescent where there is provision for a small number of vehicles with pedestrian access.

3.0 Application details

3.1 The proposal seeks the erection of eight low level retractable floodlights on court one.

3.2 The application has been submitted following earlier submissions, the most recent in 2010 under reference 10/01263/FUL for the erection of six floodlights to court two which was refused and dismissed at appeal.

4.0 Relevant policy documents

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

5.0 Publicity

5.1 Four letters of objection have been received. The main reasons for objecting are: lack of parking, traffic safety, noise and disturbance, wildlife issues and light pollution.

6.0 Consultees

6.1 Environmental Health – The proposed lighting is close to residential properties and the information submitted is insufficient to adequately determine the light spill into neighbouring properties.

7.0 Legal implications

7.1 Other than the possibility of an appeal there are no immediate legal implications arising from this report. RB/0092017/A

8.0 Appraisal

8.1 The proposal seeks the introduction of additional floodlighting to enable to enable extended use of the facility into the evenings.

8.2 The Planning Inspectors appeal decision in 2010 dismissed an appeal for the erection of six floodlights on court number 2. The Inspector considered the concerns of residents in that the night time ambience to the rear of neighbouring properties was clearly of importance, when it is proposed the artificial lighting would be used but residents were more likely to be indoors and have their doors and windows shut and therefore the proposal would not impact on their amenities by virtue of noise and disturbance.

8.3 However, in concluding the appeal decision, the Inspector states that dark and tranquil areas to the rear of neighbouring gardens would be harmed by the addition of artificial lighting and whilst the aspirations of the tennis club to extend the scope of its useable hours are acknowledged, the harm could not be outweighed and the proposal would be contrary to the development plan.

8.4 The proposal albeit using an alternative lighting scheme differing in specification, design, location and height to the previous refusal, would still pose the same impact of light spillage into neighbouring properties when they can reasonably expect the area to be tranquil. As a result of this, it is considered that impact of the proposal would be no different and neighbouring amenities would be similarly affected to an extent that is considered unacceptable and still, contrary to the provisions of the development plan.

9.0 Conclusion

9.1 The proposed development is therefore recommended for refusal on the grounds that the light intrusion would result significant harm to residents' amenities.

10.0 Detail recommendation

The proposed installation of floodlighting would seriously harm the living conditions of the occupiers of the neighbouring dwellings in Hanbury Crescent, Windsor Avenue and Kingswood Gardens through light pollution. The proposal is therefore contrary to the Unitary Development Plan Policies EP1 and EP4.

