

# Planning Committee

## 1 December 2015

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

**Venue** Committee Room 3 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

### Membership

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

#### Labour

Cllr Greg Brackenridge  
Cllr Dr Michael Hardacre  
Cllr Keith Inston  
Cllr Jasbir Jaspal  
Cllr Phil Page  
Cllr John Rowley  
Cllr Judith Rowley

#### Conservative

Cllr Wendy Thompson  
Cllr Jonathan Yardley

Quorum for this meeting is four Councillors.

### Information for the Public

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

# Agenda

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

- | <i>Item No.</i> | <i>Title</i>  |
|-----------------|---|
| 1               | <b>Apologies for absence</b>  |
| 2               | <b>Declarations of interest</b>   |
| 3               | <b>Minutes of the previous meeting</b> (Pages 3 - 10)<br>[To approve the minutes of the previous meeting as a correct record] |
| 4               | <b>Matters Arising</b><br>[To consider any matters arising]   |

### DECISION ITEM

- |    |  |
|----|--|
| 5  | <b>Planning application 15/00991/FUL 89 Allen Road</b> (Pages 11 - 14)<br>[To determine the application]                         |
| 6  | <b>Planning application 15/00917/FUL 10 Lingfield Avenue</b> (Pages 15 - 18)<br>[To determine the application]                   |
| 7  | <b>Planning application 15/01152/FUL 31 Copthorne Road</b> (Pages 19 - 22)<br>[To determine the application]                     |
| 8  | <b>Planning application 15/01063/FUL Land adjacent to 16 Rookery Avenue</b><br>(Pages 23 - 26)<br>[To determine the application] |
| 9  | <b>Planning application 15/00518/FUL Tettenhall College, Wood Road</b> (Pages 27<br>- 32)<br>[To determine the application]      |
| 10 | <b>Planning application 15/00827/RC Woodthorne, Wergs Road</b> (Pages 33 - 36)<br>[To determine the application]                 |
| 11 | <b>Planning application 15/00289/FUL 5 Stockwell Road</b> (Pages 37 - 46)<br>[To consider the commuted sum offered]              |

# Planning Committee

## Minutes - 29 September 2015

### Attendance

#### Councillors

Cllr Linda Leach (Chair)  
Cllr Harman Banger (Vice-Chair)  
Cllr Greg Brackenridge  
Cllr Dr Michael Hardacre  
Cllr Keith Inston  
Cllr Jasbir Jaspal  
Cllr Phil Page  
Cllr John Rowley  
Cllr Judith Rowley  
Cllr Wendy Thompson  
Cllr Jonathan Yardley

#### Employees

Stephen Alexander	Head of Planning
Lisa Delrio	Senior Solicitor
Martyn Gregory	Section Leader
Alison Dennett	Interim Democratic Support Manager
Carl Craney	Democratic Support Officer
Charlotte Morrison	Section Leader
Andy Fisher	Tree Officer
Phillip Walker	Planning Officer
Andrew Johnson	Planning Officer
Tracey Homfray	Planning Officer
Tim Philpott	Lead Transport Officer
Tom Podd	Planning Officer
Colin Noakes	Planning Officer
Emma Waites	Environmental Health Officer

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

*Item No.*    *Title*

**1        Apologies for absence**

An apology for absence had been received from Cllr Bert Turner.

**2        Declarations of interest**

Cllrs John and Judith Rowley declared non pecuniary interests in Item No 6 (Planning application 15/00/RC Aldi, Goldthorn Hill, Wolverhampton) as co

signatories to a letter of objection to the application and withdrew from the meeting during the consideration of the item.

Cllr Jonathan Yardley declared a personal interest in Item No 14 (Planning application 15/00497/FUL and 15/00832/FUL Former Tettenhall Wood Special School, School Road inasmuch as he was acquainted with the applicant).

**3 Minutes of the previous meeting**

Resolved:

That the minutes of the meeting held on 21 July 2015 be confirmed as a correct record of the proceedings and be signed by the Chair.

**4 Matters Arising**

There were no matters arising from the minutes of the meeting held on 21 July 2015.

**5 Confirmation of TPO at 34 Riley Crescent**

Mr Mahli spoke in opposition to the confirmation of the Tree Preservation Order.

Cllrs John Rowley and Phil Page spoke in support of the confirmation of the Tree Preservation Order.

Resolved:

That the Tree Preservation Order be confirmed.

**6 Planning application 15/00100/RC Aldi, Goldthorn Hill, Wolverhampton**

(Cllr John and Judith Rowley withdrew from the meeting during the consideration of this item)

Mr D Ryley spoke in opposition the application.

Mr Richard Conway spoke in favour of the application.

Following a question from Cllr Greg Brackenridge, Anna Waites, Environmental Health Officer reported on discussions between the Applicant and the Council with a view to reducing any noise nuisance to be experienced by adjoining owners which had resulted in a revised application which was unlikely to be detrimental to adjoining owners. Cllr Greg Brackenridge queried whether the Applicant was currently using all of the hours permitted under the existing planning permission for deliveries. Charlotte Morrison, Section Leader, advised that this was a matter for the Applicant and not the Council as the Local Planning Authority. Cllr Harman Banger reminded the Committee that the planning application should be determined on its merits and that it was not for the Committee to determine the operating procedures of the Applicant but to consider the likelihood of any acoustic problems which would be detrimental to adjoining owners. Cllr Wendy Thompson commented that she had experience of similar operations at supermarkets within her Ward and that it was for the Applicant to comply and for the Council to enforce compliance.

Resolved:

That planning application 15/00100/RC be granted.

**7 Planning application 15/00616/FUL Arts and Drama Centre, Wolverhampton Grammar School, Merridale Lane, Wolverhampton**

Resolved:

That planning application 15/00616/FUL be granted, subject to any appropriate conditions including:

- Tree protection;
- Travel plan;
- Staff and performer use only.

**8 Planning application 15/00617/FUL Arts and Drama School, Wolverhampton Grammar School Merridale Lane Wolverhampton**

Cllr Dr Michael Hardacre commented that at the last meeting of the Committee the application had been deferred, inter alia, for further consideration of the travel plan. He reminded the Committee that in the event that the application was approved it would only then be possible to establish whether the travel plan was complied with and if local residents were inconvenienced in any way.

Resolved:

That planning application 15/00617/RC be granted, subject to any appropriate conditions including:

- Ancillary use (no changes of use from education facility);
- No more than a total of 75 evening performances in a calendar year;
- Hours of operation;
- Obscurely glazed rear windows;
- Travel plan;
- Accordance with approved acoustic report.

**9 Planning application 15/00872/FUL 270 Newhampton Road East**

The Chair, Cllr Linda Leach, reminded the Committee that letters in relation to this application had been sent to members of the Committee and of the need to have an open mind during the determination of the application.

Cllr Lynne Moran (a Non Member of the Committee) spoke in support of the application.

Cllr John Rowley commented that the causation of the incidents at the property could only be speculated upon and could not be considered during the determination of the application. Furthermore, he informed the Committee that the general appearance of the property had been improved significantly under the ownership of the applicant. He suggested that further discussions be held between the applicant and the Council. Colin Noakes, Planning Officer, reported that several meetings had been held with the applicant to seek to secure an acceptable outcome to both parties but he was willing to continue discussions.

Cllr Wendy Thompson advised the Committee that neither she or her colleagues had received any letters in relation to the application and was unaware of any political activities at the building or politically motivated attacks. Similarly, she had been unaware that the building was situated in a Conservation Area and had sympathy with the applicant in attempting to protect the property. She suggested that the installation of internal shutters could provide an acceptable compromise. The Planning Officer reported that this had been discussed with the applicant but was not acceptable to him.

Cllr Greg Brackenridge echoed the sympathy with the applicant but opined that the installation of external shutters would not have prevented an arson attack and, indeed, could have made the incident worse.

Resolved:

That planning application 15/00872/ FUL be refused for the following reason: The proposed external shutters are of a poor design and will appear as bulky and crude additions to the shopfront. The shutters, when closed, would present a blank and forbidding appearance creating a deadening effect on the streetscene, thus promoting the fear of crime. The proposed development also fails to preserve or enhance the features that contribute positively to the character and appearance of the conservation area in which the property sits. The proposed development is therefore contrary to Black Country Core Strategy policies ENV3 Design Quality and CSP4 Place Making and UDP policies D3 Urban Structure, D4 Urban Grain, D6 Townscape and Landscape, D9 Appearance and HE5 Control of Development in a Conservation Area.

10 **Planning application 15/00374/FUL Garage site behind 76 - 84 Snape Road, Wolverhampton**

Tracey Homfay, Planning Officer, reported that the Coal Authority had confirmed that a Risk Assessment was not required and had no objections to the application.

Ms Janine Myatt spoke in opposition to the application.

Cllr Judith Rowley enquired as to whether it was possible to impose any conditions to mitigate the noise emanating from the opening and closing of the containers. The planning Officer reported that the Environmental Health Department had only suggested conditions relating to the time of delivery of the containers.

Cllr Wendy Thompson referred to the previous planning history of the site and enquired whether the proposed bungalow development could be pursued. The Planning Officer explained that there were a number of underground constraints including sewers crossing the site which had resulted in this proposal not being progressed.

Resolved:

That planning application 15/00374/FUL be granted and any appropriate conditions including:

- Garage court use (no commercial letting or commercial activity)
- No vertical stacking of containers (single storey only)
- Boundary treatments

- Materials/Maintenance
- Security
- Hours of construction

**11 Planning application 15/00727/FUL Garage site behind 3 to 23 Lower Vauxhall**

Resolved:

That planning application 15/00727/FUL be granted subject to any appropriate conditions including:

- Approval and submission of all materials and joinery
- Sample panel of external brickwork including mortar type, mix and pointing finish
- Large scale architectural details
- Site investigation
- Removal of permitted development rights
- Restrict first floor windows facing properties in Lower Vauxhall
- Operational hours

**12 Planning application 15/00715/FUL Henleaze Stockwell End**

Tom Podd, Planning Officer, reported that eight letters of objection had been received in relation to the amended plans, the grounds being similar to those in relation to the existing plans.

Mr Graham Onions spoke in support of the application.

Resolved:

That application 15/00715/ FUL be granted subject to conditions including:

- Materials
- Landscaping (including boundary treatments and hard surfaces)
- Large scale architectural drawings
- Removal of pd for side facing windows/obscure glazing
- Operational hours.

**13 Planning application 15/00518/FUL Tettenhall College, Wood Road, Wolverhampton**

This item was removed from the Agenda.

**14 Planning application 15/00497/FUL and 15/00832/FUL Former TettenhallWood Special, School Road**

Phillip Walker, Planning Officer reported receipt of an additional letter of objection to the application.

Cllr Wendy Thompson commented that the revised application was much improved especially as it retained the original Victorian School building. She acknowledged that the property nearest to 16 Woodland Avenue had now been moved a further two metres back but enquired whether this would have any impact on the light enjoyed by this property. The Planning Officer reminded the Committee that at the original site visit he had been able to confirm that the siting was acceptable but that the proposed property had now been moved further back and was some 22 metres from the rear elevation of 16 Woodland Avenue. No windows would overlook the rear garden and there had been buildings on the site previously. Cllr Wendy Thompson enquired as to the height of the proposed property. Stephen Alexander, Head of Planning, explained that all aspects of the application had been considered and the test applied as to whether the enjoyment of the garden would be affected and also the access to light. Over shadowing and access to sunlight had been considered and the view formed that the application was acceptable.

Resolved:

That the Service Director for City Assets be given delegated authority to grant planning applications 15/00497/FUL and 15/00832/FUL subject to:

1. A S106 agreement for the following (if the development is sufficiently financially viable):
  - Targeted recruitment and training
  - A management company to carry out management and maintenance of communal areas
  - Affordable housing, public open space/play contribution (BCIS indexed) and 10% renewable energy on a pro-rata basis for any dwellings that are ready for occupation within three years of the date that non-viability is confirmed with the full requirement applying to those that are not ready for occupation by that date.

If the development is not fully financially viable:

A reduction in Section 106 requirements (except for Targeted recruitment and training, management company) commensurate with the shortfall in viability on a pro-rata basis for all dwellings that are ready for occupation within 3 years of the date that a lack of viability is established, with the full (pro-rata) requirement falling on all dwellings that are not ready for occupation by that date.

2. Subject to any appropriate conditions including:
  - Materials
  - Refurbishment and future maintenance of bell tower
  - Levels
  - Landscaping
  - Boundary treatments
  - Construction management plan



- No construction outside hours of 0800-1800 including Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
- Drainage
- Tree protection measures
- Provision and retention of car parking
- Cycle/motorcycle parking
- No windows in side elevations of dwellings at plots 18, 11, 12 and 17
- Noise attenuation between houses in converted school building
- Bin stores
- Contaminated land site investigation
- Highway works: Provision of no waiting restrictions on Tanfield Close and the removal of the existing school Traffic Regulation Order on School Road

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# Planning Committee

1 December 2015

<b>Planning application no.</b>	15/00991/FUL
<b>Site</b>	89 Allen Road
<b>Proposal</b>	Change of use from a single dwellinghouse to a seven bedroom house in multiple occupation.
<b>Ward</b>	Park
<b>Applicant</b>	K. Henry Properties Ltd
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Service Director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name Andrew Johnson Tel 01902 551123 Email <a href="mailto:andrewk.johnson@wolverhampton.gov.uk">andrewk.johnson@wolverhampton.gov.uk</a>

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## 1. Summary Recommendation

1.1 Grant subject to conditions.

## 2. Application site

2.1 The application site is a typical early inter-war semi-detached house located in a street of similar properties.

## 3. Application Details

3.1 Change of use from a dwellinghouse to a seven bedroom house in multiple occupation.

## 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)

## **5. Publicity**

- 6.1 One letter of objection has been received and a petition containing 15 signatures. Reasons for objection include highway safety, fear of anti-social behaviour and impact on amenity.

## **6. Consultees**

- 6.1 Environmental Health – No objections.
- 6.2 Police – No objections.
- 6.3 Transportation – Finely balanced proposal from a transport perspective. This location is classed as being within a 'highly accessible' area for public transport. The development is only likely to potentially generate a small increase in parking demand. However, this could affect on-street parking demand at this location.

## **7. Legal Implications**

- 7.1 There are no legal implications arising from this report (LD/09112015/A).

## **8. Appraisal**

- 8.1 This property is a relatively large family home and is located in an area that is classed as being 'highly accessible'. A typical house in multiple occupation (HMO) creates limited parking demand, often due to the financial circumstances of the occupants. The proposed use would potentially create more parking demand, however, not significantly more than the existing arrangement. Therefore, on balance, the proposals would not create undue harm to highway safety.
- 8.2 The use of the property as a HMO would be materially similar to a typical dwellinghouse in terms of function and appearance. There would be no detrimental impact on amenity.

## **9. Conclusion**

- 9.1 The development would be acceptable and in accordance with the development plan.

## **10. Detailed Recommendation**

- 10.1 That planning application 15/00991/FUL be granted.



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# Planning Committee

1 December 2015

<b>Planning application no.</b>	15/00917/FUL
<b>Site</b>	10 Lingfield Avenue
<b>Proposal</b>	Two storey side/rear extension and single storey rear extension.
<b>Ward</b>	Bushbury North
<b>Applicant</b>	Mr Mandeep Athwal
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Service Director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name       Laleeta Butoy Tel         01902 555605 Email       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 a semi-detached house with a garage, located in a street of similar properties.

## 3. Application Details

3.1 The proposal is for a two storey side/rear extension and a single storey rear extension.

## 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 Supplementary Planning Guidance No. 4 (Extension to Houses)

## **5. Publicity**

5.1 One letter of objection has been received from a neighbour raising the following issues:

- Parking provision
- Loss of sunlight
- Visual impact on neighbour amenities and the street scene

5.2 One letter has been received from a neighbour who has no objection to the proposal though parking provision has been raised.

## **6. Legal Implications**

6.1 There are no legal implications arising from this report (LD/17112015/C).

## **7. Appraisal**

7.1 The application site consists of a three bedroom semi-detached dwelling and is set forward from the adjacent pair of semi-detached dwellings. The dwelling is located on a narrow bend at Lingfield Avenue.

7.2 The proposals seek a two storey side/rear extension consisting of a garage, utility and study room at ground floor, a master bedroom with en-suite at first floor and single storey rear dining room extension.

7.3 Amendments to the internal layout of the proposed garage were received on 24 September 2015 to enable the parking of a car, and to ensure there would be no loss of parking.

7.4 The proposal would be in keeping with the established semi-detached buildings in the immediate vicinity, making the proposal consistent in relation to its context with the existing character and appearance of the street scene/locality.

7.5 Due to the staggered setting of the application site and its neighbouring property at No.8 Lingfield Avenue, the outlook from the front windows of this property would not be severely compromised as a result of the proposal by means of its scale and proximity. Thus the neighbouring rear amenity space would not be materially affected by any overbearing impact or loss of outlook from the dwelling.

7.6 By virtue of the siting, scale and design the proposal would not adversely affect the character and appearance of the street scene.

7.7 The proposed garage would be of appropriate dimensions to accommodate a vehicle and a drive of 5.5 metres in length would be maintained, which would meet the Council's parking requirements. The proposal would not adversely affect highway and pedestrian safety.



## **8. Conclusion**

- 8.1 The proposals accord with the Council's planning policies and there would be no material neighbour impact.
- 8.2 Subject to conditions as recommended, the proposal would be acceptable and in accordance with the development plan.

## **9. Detailed Recommendation**

- 9.1 That planning application 15/00917/FUL be granted, subject to any appropriate conditions including:
- Matching materials
  - The proposed garage to remain for parking purpose only and not for any other use
  - No windows or other form of opening above ground floor level shall be introduced into the side elevations





# Planning Committee

1 December 2015

<b>Planning application no.</b>	15/01152/FUL
<b>Site</b>	31 Copthorne Road
<b>Proposal</b>	Demolition of side garage, single storey side/rear extension and conversion into a two bedroom flat. Re-configuration of part of frontage to provide off-street parking.
<b>Ward</b>	Graiseley
<b>Applicant</b>	Mr M. Ahmed
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Service Director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name Andrew Johnson Tel 01902 551123 Email andrewk.johnson@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 a large semi-detached house of townscape merit located in a street of similar properties. The property is located in the Copthorne Road Conservation Area and is currently being re-configured to create four flats.

## 3. Application Details

3.1 Demolition of side garage, single storey side/rear extension and conversion into a two bedroom flat. Re-configuration of part of frontage to provide off-street parking.

## 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)

## **5. Planning history**

14/01399/FUL for partial demolition of side garage, single storey side/rear extension and conversion into one bedroom flat. Re-configuration of a portion of the frontage (to provide four off-street parking spaces) and re-build part of the front wall. Granted 2 February 2015.

13/00805/FUL for conversion of existing dwellinghouse to create three flats. Granted 23 September 2013.

08/00637/FUL for conversion of existing dwelling to create 3 No. flats. Granted 8 September 2008.

## **6. Constraints**

Copthorne Road Conservation Area  
Article 4 Direction

## **7. Publicity**

- 7.1 One letter of objection has been received and a petition containing 66 signatures. Reasons for objection include highway safety.

## **8. Consultees**

- 8.2 Transportation – No objections. The site has access to excellent bus services nearby so therefore the level of parking provided is considered acceptable. Copthorne Road is traffic calmed and includes on-street parking. The parking arrangement will need to be managed, however, it is not likely to have a significant impact on road safety in the area.

## **9. Legal Implications**

- 9.1 There are no legal implications arising from this report (LD/09112015/B).

## **10. Appraisal**

- 10.1 The property is currently being converted into four flats. These proposals seek to increase the number of bedrooms in one of the flats from one to two.
- 10.2 This property is of townscape merit and contributes to the character and appearance of the conservation area. The proposals would remove an unsightly later addition (including rollershutter garage door) and re-configure the frontage to provide off street parking. The alterations improve the appearance of the property and would enhance the character of the conservation area.
- 10.3 Planning permission was granted for a similar proposal in 2014. These proposals have introduced a second bedroom into a ground floor flat. This property was a family home of considerable size (previously a seven bedroom house) and is located within walking

distance of the city centre. The proposed use would potentially create a parking demand that would not be dissimilar to the current likely demand.

- 10.4 On balance, the proposed onsite parking provision of five spaces is adequate at this accessible location. The layout ensures that the frontage is not overly-dominated by areas of hardstanding, which would be harmful to the character of the conservation area. This has led to a partially tandem parking layout, however, on balance the proposals would not create undue harm to highway safety.

## **11. Conclusion**

- 11.1 Subject to conditions as recommended, the development would be acceptable and in accordance with the development plan.

## **12. Detailed Recommendation**

- 12.1 That planning application 15/01152/FUL be granted, subject to any appropriate conditions including:
- Materials
  - Joinery details



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# Planning Committee

1 December 2015

<b>Planning application no.</b>	15/01063/FUL
<b>Site</b>	Land Adjacent to 16 Rookery Avenue, Wolverhampton
<b>Proposal</b>	Demolition of existing building and construction of a one bedroom bungalow.
<b>Ward</b>	Spring Vale
<b>Applicant</b>	Mr Dal Johal
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Service Director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name Colin Noakes Tel 01902 551124 Email colin.noakes@wolverhampton.gov.uk

## 1. Summary Recommendation

1.1 Grant subject to conditions.

## 2. Application site

- 2.1 The application site is situated at the end of a narrow unadopted road in a predominantly residential area. Rookery Avenue rises from its junction with Rookery Road up to the application site and the residential properties to the north and west are set at a much lower level. The site is currently occupied by a large single storey timber building, which, because of the land level differences, is a dominating feature when viewed from the rear gardens of adjacent properties along Lane Road. Historically, the existing building has had several uses. The applicant has stated the building is currently used as a garage for the storage of cars and car parts.
- 2.2 Rookery Avenue provides vehicular and pedestrian access to four existing houses as well as the timber commercial building and is currently in a poor state of repair.
- 2.2 The site appears to have once formed the rear garden of No.16 which now sits on a very constrained plot. The surrounding residential properties are a mixture of bungalows and two storey houses.

### **3. Application Details**

- 3.1 The application seeks to replace the existing single storey timber building with a single storey bungalow, with associated car parking and amenity space.

### **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)

### **5. Planning history**

04/1674/OP/R Erection of a 3 Bedroom house. Refused 12.11.2004

### **6. Constraints**

Mining referral area.

### **7. Publicity**

- 7.1 Seven letters of objection and a petition containing 15 signatures has been received in objection. The reasons for objection include:
- Contaminated land
  - Light pollution
  - Traffic noise, pollution
  - Overbearing on neighbouring properties
  - Loss of privacy
  - Inadequate access
  - Building close to historic mineshafts
  - Poor quality access road
  - The height and massing of the proposed building is inappropriate
  - Detrimental to residential amenity

### **8. Consultees**

- 8.2 Transportation – concerns raised due to the length and width of the access road.
- 8.3 Environmental Health – no planning objections subject to conditions requiring necessary contaminated land investigation and demolition statement.

### **9. Legal Implications**

- 9.1 There are no legal implications arising from this report (LD/17112015/A).



## **10. Appraisal**

- 10.1 The existing timber building situated on the site is in a poor condition and appears as an unduly prominent feature, overbearing on neighbouring properties.
- 10.2 The proposed bungalow would sit on a smaller footprint than the existing building and is set back over 3m from the rear boundaries of adjacent properties along Lane Road and 7m from the boundary of No.16. Therefore, the bungalow would have a less overbearing impact on these properties than the existing building.
- 10.3 Whilst the access road is narrow and of poor quality, it currently serves four existing residential dwellings as well as the application site. The addition of a one bedroom bungalow would not unacceptably intensify vehicular movements at the site. This proposed residential unit is likely to have less of an impact on the access road than the current use of the existing building, particularly if the use intensifies.
- 10.4 The bungalow is considered appropriate in scale and proportion for the size of the plot and the residential use is compatible with this location. Therefore, the proposal is in accordance with the relevant planning policies.

## **11. Conclusion**

- 11.1 The proposed one bedroom bungalow will have less of an impact on both neighbour amenity and the access road than the current use of the existing building. The commercial unit is wholly inappropriate at this location. Consequently, on balance the proposal is acceptable and in accordance with the development plan.

## **12. Detailed Recommendation**

- 12.1 That planning application 15/01063/FUL be granted, subject to a satisfactory coal mining risk assessment and any appropriate conditions including:
- Materials
  - Land levels
  - Contaminated land investigation/remediation
  - Demolition method statement
  - Removal of permitted development rights



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# Planning Committee

29 September 2015

<b>Planning application no.</b>	15/00518/FUL
<b>Site</b>	Land at Tettenhall College, Wood Road, Wolverhampton
<b>Proposal</b>	Proposed erection of Extra Care Accommodation (30 one bedroom and 28 two bedroom apartments) for the elderly, communal facilities, landscaping and car parking; Provision of new parking area and 2 Multi Use Games Areas.
<b>Ward</b>	Tettenhall Wightwick
<b>Applicant</b>	YourLife Management Services Ltd
<b>Agent</b>	Miss Lisa Matthewson -The Planning Bureau Ltd
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name Paul Lester Tel 01902 555625 Email paul.lester@wolverhampton.gov.uk

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## 1. Summary Recommendation

1.1 Refuse.

## 2. Application site

2.1 The development site is located within the Tettenhall Greens Conservation Area. The site is an irregular rectangle shape, currently occupied by a tarmac car park and tennis courts. The site forms the south western part of Tettenhall College. Mature trees, protected by a Tree Preservation Order are located throughout the site.

## 3. Application Details

3.1 This full planning application seeks to redevelop the site to provide a part three, part four storey building, consisting of 58 (one and two bedroom) apartments with communal facilities (residents' lounge, dining room, staff accommodation, refuse store, mobility scooter charging points, guest suite and outdoor space) and 27 car parking spaces.

- 3.2 The application also proposes the provision of two multi-use games areas (MUGAs) and replacement car park (37 spaces) to serve the college.
- 3.3 The applicant, YourLife Management Services Limited, is McCarthy & Stone's managing agent and care operator for its Assisted Living Extra Care schemes.

#### **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)  
Tettenhall Neighbourhood Plan (TNP)

SPG 3 Residential Development  
Tettenhall Historic Landscape Character Study

#### **5. Publicity**

- 5.1 A total of 30 representations and a 20 person petition have been received, of which 26 object and four support. A letter of objection has also been submitted by the Tettenhall and District Community Council. The objections are summarised as follows:

- Disruption caused by building work/construction traffic;
- Loss of trees/woodland, open space and view of college/Smestow Valley;
- Traffic congestion/ extra traffic using college access on dangerous bend;
- Detrimental to conservation area/listed buildings;
- Over development, height and density of building;
- Inadequate parking;
- Visual impact, architecture, not in keeping with surrounding area;
- Undesirable precedent;
- Surface water flooding;
- Loss of privacy;
- No need for the development lack of support via consultation exercise;
- Contrary to development plan and neighbourhood plan;
- Loss of wildlife;
- Detrimental impact on Tettenhall village centre;
- MUGAs detrimental to local amenity (noise, lights, traffic, parking);
- Not in compliance with Tettenhall Neighbourhood Plan;
- Detrimental to views from Compton Park and Smestow Valley.

- 5.2 The representations in support are summarised as follows:

- Would meet a need in Tettenhall;
- Provide new quality care; and
- Would release larger properties for families and younger people;

## 6. Internal Consultees

6.1 Environmental Health, Transportation, Landscape, Ecology – See appraisal

## 7. Legal Implications

7.1 There are no legal implications arising from this report (LD/11112015/A).

## 8. Appraisal

8.1 The key issues are:

- Requirement for affordable housing
- Impact on the Tettenhall Greens Conservation Area
- Impact on Listed Buildings
- Scale
- Highways and parking
- Ecology
- Amenity space, landscaping and trees
- Drainage
- Need for the development
- Multi-use games areas
- Open space
- Community Consultation
- Planning conditions

### **Requirement for affordable housing**

8.2 The applicant's view is that the proposed development would fall under Use Class C2 "Residential Institutions" for which there is no policy requirement for the provision of affordable housing. However, this stance is not supported by the evidence. Rather, the proposed self-contained flats would be for sale (leasehold) and would fall within Use Class C3 "Dwellinghouses", for which there is a policy requirement for 25% affordable housing.

8.3 The applicant believes that the development would fall within Class C2 because residents would be required to sign up for a care package. It supports this view with a legal opinion from a barrister and examples of where other Councils have treated such developments as being in Class C2.

8.4 The minimum care package would comprise one hour per week of domestic assistance (which is part of the service charge). There would be the option for residents to purchase additional care tailored to their needs. There would be on-site staff that could provide 24 hour care.

8.5 The self-contained nature of the flats and the minimal nature of the compulsory care package lead to the conclusion that the development would fall within Use Class C3 and would not be a residential institution falling within Use Class C2.

### **Impact on the Tettenhall Greens Conservation Area**

- 8.6 The pattern of development along Wood Road is mixed, with large buildings to the southwest and north east (the college and the hospital) and housing to the north and west. The proposed building would relate to the other large buildings on this side of Wood Road and would be behind the stone wall and trees that define this section of the road. The open nature of the site does not contribute positively to the character and appearance of the Conservation Area. On that basis, the proposed development would preserve the character and appearance of the Tettenhall Greens Conservation Area.

### **Impact on Listed Buildings**

- 8.7 There are two Grade II\* and one Grade II Listed Buildings that are part of the College. These are all some distance from the application site and are visually separated from it. The proposed development would therefore not affect their setting or significance. There is a Grade II listed wall which runs along Wood Road, however the development does not propose to alter the wall and the development is set back a sufficient distance as to not alter the wall's significance.

### **Scale**

- 8.8 Although large, the architectural treatment of the proposed building would break it into human scale elements so that it would be in keeping with the surrounding area, creating a different, but not unacceptable street scene.

### **Highways and Parking**

- 8.9 The proposed parking provision of 27 spaces and a mobility scooter storage area are acceptable. The development would require a zebra crossing and traffic calming on Wood Road close to the existing access and footway improvements between the entrance to the development and the proposed crossing location. This could be required by condition if planning permission were to be granted.
- 8.10 A separate parking area with 37 spaces is proposed to serve the multi-use games areas, which would be accessed through the College grounds. This arrangement would be acceptable.

### **Ecology**

- 8.11 An Extended Phase 1 Habitat Survey alongside Bat and Badger Surveys were submitted as part of the application. All are satisfactory subject to appropriate conditions.

### **Amenity space, landscaping and trees**

- 8.12 A detailed landscaping scheme has been submitted as part of the application, which would provide good quality amenity space.
- 8.13 The proposed tree removal and the landscaping strategy are acceptable. There are over 150 trees on the site and the vast majority will be retained, with only poor quality trees being removed. There is a proposed no build zone to protect the Ancient Woodland, which would be required by condition if permission were granted.

### **Drainage**

- 8.14 Severn Trent Water has no objection to the proposal and drainage could be adequately controlled via a condition if permission were granted.

### **Need for the development**

- 8.15 There is no requirement for the applicant to demonstrate need. However, the Tettenhall Neighbourhood Plan has identified a need for smaller housing and apartments for the elderly.

### **Multi-use games areas**

- 8.16 Environmental Health comments that the proposed MUGAs have not been located so as to avoid harm to the amenity of residents of the extra care accommodation and should be relocated at least 12 metres away, the minimum distance advised by Sport England. The agent has indicated that amended plans will be submitted.

### **Open Space**

- 8.17 Tettenhall Neighbourhood Plan Policy TNP14 Part A specifies a general presumption against development which causes harm to the character, setting, accessibility, appearance, general quality or amenity value of open spaces, unless the community will gain equivalent benefit from open space improvements or the provision of replacement open space. The site is immediately adjacent to identified open space. The provision of the proposed multi-use games areas would satisfy this policy requirement.

### **Community Consultation**

- 8.18 The Tettenhall Neighbourhood Plan requires the developer to undertake pre-application consultation with an appropriate cross-section of local people and to report the process in the form of a Report of Community Involvement. The pre-application consultation carried out by the applicant met this requirement.

### **Planning Conditions**

- 8.18 If permission were granted, there would be a policy requirement for conditions to secure the following:
- Pedestrian crossing on Wood Road and footway widening between the entrance to the development
  - 10% renewable energy
  - Targeted recruitment and training

## **9. Conclusion**

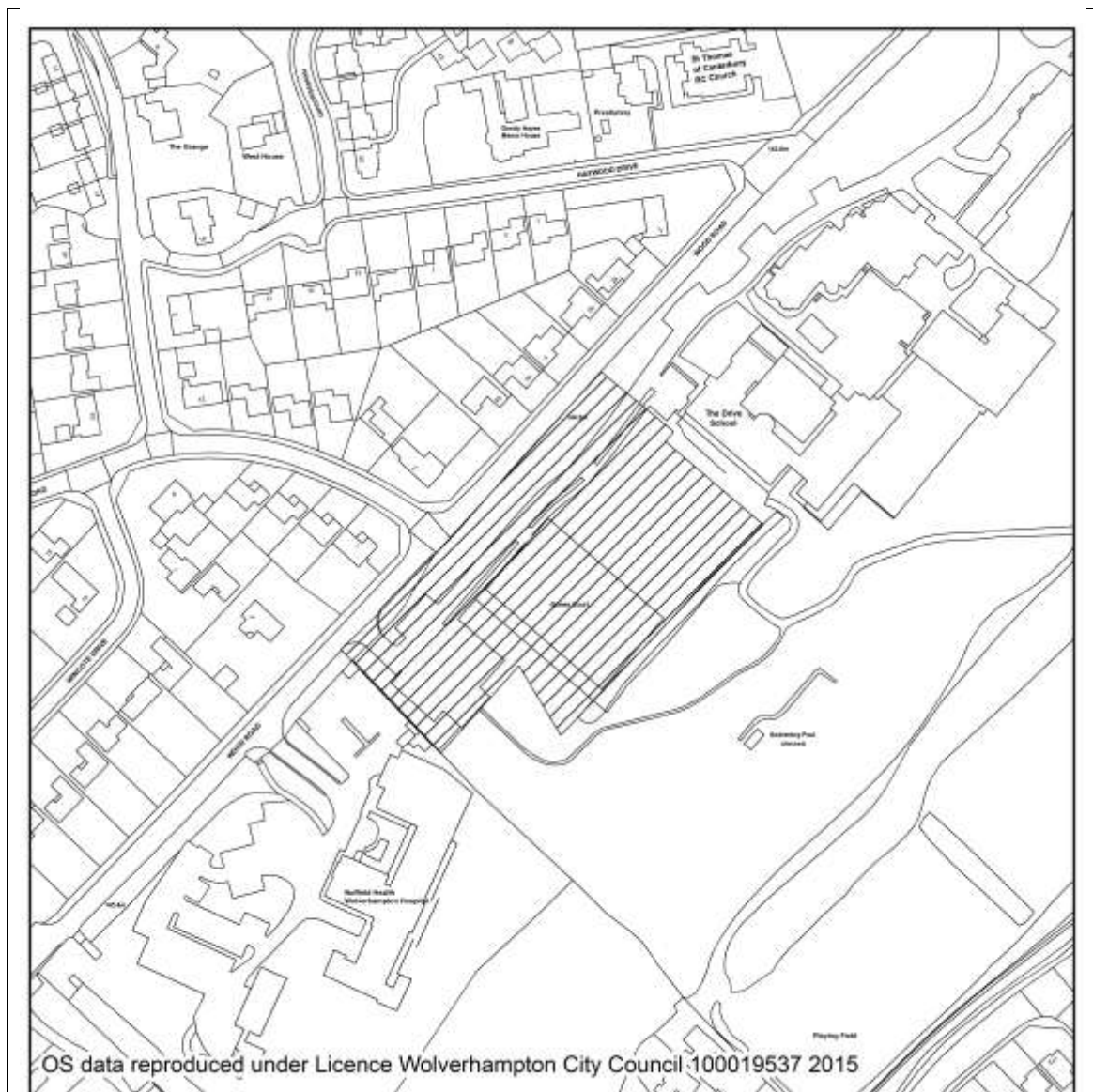
The application is unacceptable because it does not make an affordable housing provision contrary to Policy HOU3 of BCCS. Additionally, the proximity of the multi-use games areas would seriously detract from the amenity of residents of the proposed development.

## **10. Detailed Recommendation**

- 11.1 That the application is **REFUSED** for the following reasons:

The proposed block of self-contained apartments would fall within Class C3 “dwellinghouses” of the Town and Country Planning (Use Classes) Order 1987 (as amended). BCCS policy HOU3 requires the provision of 25% affordable housing for such developments but no such provision is proposed. The development is therefore contrary to BCCS Policy HOU3.

The proposed multi-use games areas would not be located so as to avoid harm to the amenity of residents of the proposed extra care accommodation, and would therefore lead to unacceptable noise and light levels which would have an adverse impact on residential amenity, contrary to UDP Policies EP1, EP4, EP5, and R10.



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# Planning Committee

1 December 2015

<b>Planning application no.</b>	15/00827/RC
<b>Site</b>	Woodthorne, Wergs Road
<b>Proposal</b>	Variation of condition 14 of 13/01174/RC to insert clear glazing in the south elevation of the apartment block, and Privacy Glazing Level 1 in the north elevation.
<b>Ward</b>	Tettenhall Regis
<b>Applicant</b>	David Wilson Homes Mercia
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

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## 1. Summary Recommendation

- 1.1 Delegated authority to grant subject to a Deed of Variation to the original S106 agreement.

## 2. Application site

- 2.1 The application site is the apartment block which is part of the Woodthorne housing development on the former ADAS site.

## 3. Application Details

- 3.1 The proposals seek to insert clear glazing in the south elevation of the apartment block, and Privacy Glazing Level 1 in the north elevation.

## 4. Planning History

- 4.1 12/01478/FUL – 58 dwellings (46 houses and 12 apartments) granted 22 May 2013.

## 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)  
Tettenhall Neighbourhood Plan (TNP)

## 6. Publicity

- 6.1 Three objections have been received to the proposals. The reasons are summarised below:

- Loss of privacy

## 7. Legal Implications

- 7.1 In accordance with S106A of the Town and Country Planning Act 1990 a planning obligation may be modified by agreement between the authority by whom the obligation is enforceable and the person or persons against whom the obligation is enforceable. Proposed amendments to an existing S106 Agreement, need to be regularised by a Deed of Variation. (LD/17112015/H)

## 8. Appraisal

- 8.1 The key issues are:-

- Privacy
- Section 106 requirements

### Privacy

- 8.2 The wording of the condition requires Pilkington Privacy Glazing Level 4 for the windows within the north and south elevation of the building above ground floor. This type of obscure glazing would normally be used in bathrooms. The rooms in question are dual aspect open plan living spaces. The distance to the rear of 92 Wergs Road is 43m. The distance to the rear of 31 Woodthorne Road is 71m. The Council's SPG3 requires 22m minimum distance separation between first floor windows, and an increased distance for taller buildings. Mature landscaping is present on both sides of the apartment building offering a level of privacy screening.

- 8.3 In the context of the site and the surroundings the proposed reduction in obscuring glazing in both the north and south elevations would not cause a loss of privacy to the occupiers of the nearest dwellings, and would improve the living environment for the occupiers of the apartments.

### Section 106 requirements

- 8.4 A Deed of Variation would be required to connect the original S106 agreement to any new planning permission brought about by a variation of the planning condition. This would comprise £568,982.76 affordable housing contribution and £141,221.20 open space contribution.

## 9. Conclusion

- 9.1 Subject to conditions and a Deed of Variation as recommended, the proposal would be acceptable and in accordance with the development plan.

## 10. Detailed Recommendation

- 10.1 That the Service Director of City Assets be given delegated authority to grant planning application 15/00827/RC subject to:
- i. A S106 agreement for the following:
    - £568,982.76 affordable housing contribution
    - £141,221.20 open space contribution
  - ii. The following conditions
    - Materials;
    - Landscaping;
    - Hours of construction;
      - 0800 to 1800 Monday to Friday
      - 0800 to 1300 Saturday
      - at no time on Sundays or Bank and Public Holidays
    - Construction Management Plan;
    - Levels and Drainage
    - Geo-environmental Assessment
    - Removing permitted development right for external lighting
    - Glazing within the apartment building
    - Access routes to remain open at all times within the development
    - Removal of permitted development rights for extensions adjacent to a highway
    - Removal of permitted development rights for means of enclosure adjacent to a highway
    - Development in accordance with renewable energy statement





# Planning Committee

1 December 2015

<b>Planning application no.</b>	15/00289/FUL
<b>Site</b>	The Clock House, 5 Stockwell Road, Tettenhall
<b>Proposal</b>	Demolition of existing building and erection of 22 retirement living apartments.
<b>Ward</b>	Tettenhall Regis
<b>Applicant</b>	McCarthy & Stone Retirement Lifestyles Ltd
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name      Andy Carter Tel        01902 551132 Email     andy.carter@wolverhampton.gov.uk

## 1. Updated Report

- 1.1 The application was refused at Planning Committee on 2 June 2015. The report is appended under cover of this update. The applicants appealed the refusal, and an informal hearing was held on 21 October 2015. During the course of the appeal process, in accordance with the Council's affordable housing policies, the applicants made an offer of £360,000 towards affordable housing provision within the city. The offer is appropriate in policy terms.
- 1.2 The Planning Inspectorate has requested the view of Members as to whether the affordable housing commuted sum is endorsed by the Planning Committee. The Planning Inspectorate is due to provide a decision on the appeal in January 2016.
- 1.3 If the Committee endorses the affordable housing sum, this is not the equivalent of an approval for the development. If the Planning Inspectorate upholds the Council's reason for refusal the affordable housing matter will fall away. However should the appeal be allowed the sum would be included within a Unilateral Undertaking.

### Legal Implications

- 1.4 The appeal did not relate to affordable housing issues, it related to the principle of development in the conservation area, and the harm which such a proposal would cause. Therefore accepting the sum will not adversely affect the merits of the Council's reasons for refusal (LD/17112015/D).

**2. Recommendation**

2.1 That the Planning Committee accept the affordable housing sum of £360,000.





# Planning Committee

2 June 2015

<b>Planning application no.</b>	15/00289/FUL
<b>Site</b>	The Clock House, 5 Stockwell Road, Tettenhall,
<b>Proposal</b>	Demolition of existing building and erection of 22 retirement living apartments
<b>Ward</b>	Tettenhall Regis
<b>Applicant</b>	McCarthy & Stone Retirement Lifestyles Ltd
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Nick Edwards, Service Director, City Assets
<b>Planning officer</b>	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

## 1. Summary Recommendation

1.1 Refuse.

## 2. Application site

2.1 The application site comprises one house, is 0.45ha in area, and is located two miles north west of Wolverhampton City Centre in a primarily residential area. The site is part of the Tettenhall Greens Conservation Area and is bounded by protected trees.

## 3. Application Details

- 3.1 The proposals are to demolish the detached house and construct 21 two bedroom apartments and a one bedroom apartment within a three to four storey building. The proposals would also include a residents' lounge, parking for 25 vehicles, and a re-landscaped garden incorporating the ornamental clock tower; which is a replica of the grade II listed structure on Tettenhall Greens.
- 3.2 A traffic calming measure is proposed within Stockwell Road, to ensure safety for pedestrians and drivers, and ensure the development would not have a significant impact on the road network.

#### **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)  
Tettenhall Neighbourhood Plan (TNP)
- 4.3 Residential Development SPG  
Tettenhall Historic Landscape Character Study

#### **5. Publicity**

- 5.1 A total of 238 representations have been received, 234 object and 4 support. A petition in objection has also been received with 167 signatures. A summary of the objections is set out below:

- Out of character with the surrounding area;
- Impact on the Conservation Area;
- Harmful to views from Stockwell Road and Tettenhall Green
- Increase in traffic on Stockwell Road and connecting roads
- Insufficient parking provision
- Retirement living not needed
- Inadequate developer consultation
- Proposals in conflict with the Neighbourhood Plan
- Loss of trees and natural habitats

- 5.2 A summary of the supporting comments is set out below:

- Retirement living is needed in the area

#### **6. Internal Consultees**

- 6.1 Historic Environment and Transportation – Refer to appraisal
- 6.2 Environmental Health and Landscape & Ecology – No objection
- 6.3 Archaeology – No objection

#### **7. Legal Implications**

##### Conservation Area

- 7.1 When an application is situated in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority



must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

#### Protected Species

- 7.2 The Planning Authority is a competent authority for the purposes of The Conservation of Habitats and Species Regulations 2010 (“the Habitat Regulations”) and the Planning Authority is under a duty to have regard to the Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) in the exercise of its function so far as any requirements of the Habitats Directive may be affected by the exercise of those functions. Planning authorities should give due weight to the presence of protected species on a development site to reflect these requirements in reaching planning decisions. Regulation 40 of the Habitats Regulations defines European Protected Species. For example Great Crested Newts and Bats are a protected species and are in addition also protected under part 1 of the Wildlife and Countryside Act 1981
- 7.3 It should be noted Paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligation and their impact within the Planning System provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all the relevant material considerations may not have been addressed before making the decision. The need to carry out ecological surveys should only be left to planning conditions in exceptional circumstances.
- 7.4 In addition, Badgers are protected under the Protection of Badgers Act 1992. Disturbing a badger set, adversely affecting foraging territory or links between them or significantly increasing the risk of road or rail casualties are capable of being material planning considerations. KR/20052015/S
- 7.5 Section 106 planning obligations must meet all of the following tests, namely, they must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.

## 8. Appraisal

### 8.1 The key issues are:-

- Impact on the Tettenhall Greens Conservation Area
- Impact on protected trees
- Impact on neighbouring properties
- Impact on the visual character of the Green Belt
- Highways and parking
- Need for the development
- Ecology
- Archaeology
- Developer consultation

- Section 106 requirements

#### Impact on the Tettenhall Greens Conservation Area

- 8.2 The Clock House is of limited historic and architectural interest and makes a neutral contribution to the character and appearance of the conservation area. The demolition and redevelopment of the site would therefore be acceptable in principle.
- 8.3 The existing view from Stockwell Road through The Cedars is one of open space against a backdrop of trees, with limited obstruction from buildings. The openness of the site within this view makes a positive contribution to the character and appearance of the conservation area. The massing and position within the plot of the proposed development would result in the loss of this important view, and would fail to preserve or enhance the character or appearance of the conservation area.
- 8.4 The view looking north-east from the public open space (Tettenhall Greens) towards the rear of the site includes the clock tower. The clock tower appears as a prominent feature within the view when the trees are not in leaf. The proposed development would be located approximately 25 metres closer to the clock tower than the existing building. The proposed development would impact on the open appearance of the site from the public open space and would harm the setting of the clock tower, reducing its visual impact within the landscape. The massing and position within the plot of the proposed development would result in harm to this view and would therefore neither preserve nor enhance the character or appearance of the conservation area.
- 8.5 Stockwell Road has a distinctive character created by the flanking boundary walls and mature trees, giving it a semi-rural feel. The provision of traffic calming measures, to slow vehicle speeds and improve driver visibility (ensuring safe access and egress to the site), would erode the character of this historic lane, and would adversely impact on the character and appearance of conservation area.
- 8.6 The application suggests that the proposed development is an attempt to reflect the design vocabulary and scale of the 19<sup>th</sup> century villas (16-24) on the opposite side of Stockwell Road.
- 8.7 The Stockwell Road elevation would comprise a continuous frontage, 34m in length and three storeys in height with an additional storey within the roof space. The building would have a depth of 22m and a central ridge height of 13m. The footprint of the proposed building is 800sqm approx. and would be significantly greater than any other property within the Stockwell End Character Area, and out of character with the built form of the area. Number 20 Stockwell Road, one of the locally listed villas opposite the site, occupies a footprint of approximately 165sqm.
- 8.8 The frontage widths of the Victorian villas are between 11 and 13.5 metres, approximately one third that of the proposed development. The three storey elements of the 19<sup>th</sup> century properties are limited to the principal frontage elevations. The historic buildings are a composition of small scale elements that reduce in scale from three storeys at the front to single storey at the rear. This arrangement breaks down the mass of the buildings.

- 8.9 The proposed development would be three to four storeys from front to rear. The massing is not consistent with that of the historic buildings in the area. The scale (massing) of the proposed building would be significantly greater than any other building within the Stockwell End Character Area.

#### Impact on protected trees

- 8.10 The site is characterised by mature trees which make a positive contribution to the Conservation Area. The location of the parking spaces would lead to soil compaction beneath the protected trees and result in damage to roots. The proximity of the proposed building to the protected Horse Chestnut within the rear garden of 2 The Cedars would lead to a loss of light to the apartments on the south elevation, and would likely result in demands for the reduction of the canopy or the felling of the tree.

#### Impact on neighbouring properties

- 8.11 The proposed building is 29m north of the rear elevation of 2 The Cedars. This separation is sufficient to negate overbearing, and loss of light. Secondary windows within the proposed side elevation would ensure loss of privacy is kept to an acceptable minimum.

#### Impact on the visual character of the Green Belt

- 8.12 The rear boundary of the site forms the boundary with the green belt. The proposed height, mass and scale of the building would make the site more conspicuous from the green belt than the current dwelling. The proposals would therefore result in harm to the visual amenity and visual character of the part of the green belt comprising Tettenhall Greens.

#### Highways and Parking

- 8.13 The parking provision is for 25 spaces, and a cycle storage area. The development would also require traffic calming to ensure vehicles could safely enter and exit the site. The proposed quantum of spaces and highway safety solution are acceptable and consistent with policy.

#### Need for the development

- 8.14 This part of Tettenhall is characterised by large properties, some of which are for family housing, while others have been sub-divided into apartments. The area has an ageing population and the type of residential accommodation proposed would add to the stock and variety of dwellings which are needed to allow people to stay in the area whilst downsizing. The Tettenhall Neighbourhood Plan has identified a need for this type of housing.

- 8.15 Ecology

The proposals would result in a pond and disused swimming pool being removed, both of which currently provide habitats. A replacement pond would be provided within the proposals. A badger sett would also need to be closed down, and bat boxes erected. These aspects would be overseen by Natural England.

#### Archaeology

- 8.16 The potential archaeology on the site is unlikely to be a major constraint upon the proposed development, and could be dealt with as a condition of planning permission.

#### Community Consultation

- 8.17 The Tettenhall Neighbourhood Plan requires the developer to undertake pre-application consultation with an appropriate cross-section of local people and to report the process in the form of a Report of Community Involvement. The pre-application consultation carried out by the applicant met this requirement.

#### Planning Obligations

- 8.18 There is a policy requirement for the following to be secured through either a S106 agreement or planning condition:
- Traffic Regulation Order for traffic calming and 20 mph limit
  - Affordable housing (25%)
  - 10% renewable energy
  - Management company for communal areas
  - Targeted recruitment and training

## 9. Conclusion

- 9.1 The proposed development would fail to preserve or enhance the character and appearance of the conservation area, and would not be in accordance with the development plan. It would also have a negative impact on the condition of protected trees.

## 10. Detailed Recommendation

- 10.1 That application 15/00289/FUL be refused for the following reasons:

1. The scale, mass and height of the proposed building are out of character with the area, resulting in a loss of important views. The proposed highway calming in Stockwell Road would have a detrimental impact on the character of that route. The proposed parking and proximity of the building would have a negative impact on the protected trees on the site, and also the protected Horse Chestnut Tree in the rear garden of 2 The Cedars. The proposals therefore fail to preserve or enhance the Tettenhall Greens Conservation Area.

Relevant policies: BCCS policies ENV2 and ENV3, UDP policies HE1, HE3, HE5, D6, D7, D8, and G3, TNP policies TNP12 (Parts A, B & D), NPPF paragraphs 131, 132 & 134.



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