

Planning Committee

2 February 2016

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 (Labour)
Vice-chair Cllr Harman Banger (Labour)

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 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Minutes of the previous meeting (Pages 5 - 10)
To approve the minutes of the previous meeting as a correct record. |
| 4 | Matters Arising
To consider any matters arising. |

DECISION ITEM

- | | |
|----|--|
| 5 | 15/01198/FUL 6 Fairview Road (Pages 11 - 14)
To determine the application. |
| 6 | 15/01370/FUL 89 Winchester Road (Pages 15 - 18)
To determine the application. |
| 7 | 15/01219/FUL 82 Codsall Road (Pages 19 - 22)
To determine the application. |
| 8 | 15/01422/FUL Land adjacent to Halfway House, 115 Tettenhall Road (Pages 23 - 28)
To determine the application. |
| 9 | 15/0991/FUL 89 Allen Road (Pages 29 - 32)
To determine the application. |
| 10 | 15/00827/RC Woodthorne, Wergs Road (Pages 33 - 36)
To determine the application. |
| 11 | 15/01306/FUL Land at the rear of 32 and 33 Quail Green (Pages 37 - 40)
To determine the application. |
| 12 | 15/01356/FUL Land adjacent to 47 Braden Road (Pages 41 - 44)
To determine the application. |
| 13 | 15/01392/REM Former Pennfields Special School, Birches Barn Road (Pages 45 - 48)
To determine the application. |
| 14 | 15/01340/FUL Plots F and N, Bilston Urban Village, Dudley Street/Carder Crescent (Pages 49 - 54) |

To determine the application.

15 **Exclusion of Press and Public**

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Planning Committee

Minutes - 1 December 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
Penny Williams	Interim Democratic Services Manager
Carl Craney	Democratic Support Officer
Andy Carter	Senior Planning Officer
Andrew Johnson	Planning Officer
Colin Noakes	Planning Officer

Part 1 – items open to the press and public

Item No. *Title*

1 **Apologies for absence**

There were no apologies for absence.

2 **Declarations of interest**

No declarations of interest were received.

3 **Minutes of the previous meeting**

Resolved:

That the minutes of the meeting held on 29 September 2015 be confirmed as a correct record of the meeting and be signed by the Chair.

4 Matters Arising

There were no matters arising from the minutes of the meeting held on 29 September 2015.

5 Planning application 15/00991/FUL 89 Allen Road

The Committee received a report regarding application 15/00991/FUL, 89 Allen Road. The purpose of the report was an application for change of use from a single use dwellinghouse to a seven bedroom house in multiple occupation.

Mr Malik addressed the committee and spoke in opposition to the application.

Councillor Dr Hardacre spoke in support of the speaker and as Ward Member for Park Ward. Further debate ensued and it was moved and seconded that the item be deferred to enable a site visit be held to better appreciate the potential impact of the development on the neighbourhood. Moreover, further information be collated on the number of houses of multiple occupation with frontages in Allen Road.

Resolved:

That application 15/00991/FUL be deferred subject to site visit and further information being collated on the number of houses of multiple occupation with frontages in Allen Road.

6 Planning application 15/00917/FUL 10 Lingfield Avenue

The Committee received a report regarding application 15/00917/FUL, 10 Lingfield Avenue. The purpose of the report was an application for a two storey side/rear extension and single storey rear extension.

The Committee were advised that the matter was before them due to a member of the public wishing to speak. However, the speaker had subsequently withdrawn the request.

Resolved:

That application 15/00917/FUL be granted subject to any appropriate conditions including:

- Matching materials.
- The proposed garage to remain for parking purposes only and not for any other use.
- No windows or other form of opening above ground level shall be introduced into the side elevations.

7 Planning application 15/01152/FUL 31 Copthorne Road

The Committee received a report regarding application 15/01152/FUL, 31 Copthorne Road. The purpose of the report was an application for the 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.

Resolved:

That application 15/01152/FUL be granted, subject to any appropriate conditions including:

- Materials
- Joinery details

8 Planning application 15/01063/FUL Land adjacent to 16 Rookery Avenue

The Committee received a report regarding application 15/01063/FUL, land adjacent to 16 Rookery Avenue. The purpose of the report was an application for the demolition of an existing building and construction of a one bedroom bungalow.

Mr D Yip-Bjorksinn addressed the Committee and spoke in opposition to the application.

Mr D Johal addressed the Committee and spoke in support of the application.

Colin Noakes, Planning Officer reported that the Coal Authority had no objections to the application.

Resolved:

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

9 Planning application 15/00518/FUL Tettenhall College, Wood Road

The Committee received a report regarding application 15/00518/FUL, land at Tettenhall College, Wood Road. The purpose of the report was the 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.

Mrs Agar addressed the Committee and spoke in opposition to the application.

Ms L Matthewson addressed the Committee and spoke in support of the application.

A written update was circulated outlining that the MUGA was now acceptable. The Committee debated the application and in response to a question to the Lead

Transport Officer, were advised that subject to consultation, the Council would seek to implement a pedestrian crossing and traffic calming.

Further debate ensued and the Committee noted the need for the developer to work with the Council to develop an application that was in keeping with locality and appropriate for the site in both design and size.

Resolved: That application 15/00518/FUL be refused for the following reason:

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 has been made. The development is therefore contrary to BCCS Policy HOU3.

10 **Planning application 15/00827/RC Woodthorne, Wergs Road**

The Committee received a report regarding application 15/00827/RC. Woodthorne, Wergs Road. The purpose of the report was a 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.

Mr M Nightingale addressed the Committee and spoke in objection of the application.

Andy Carter, Planning Officer addressed the Committee and explained that the glazing that was in the original planning condition was the type of obscure glazing that would normally be used in bathrooms. Moreover, that he had visited the property whilst it was being built and viewed the neighbouring buildings through the apertures. The Committee were advised that the distance to the rear of 92 Wergs Road was 43m and the distance to the rear of 31 Woodthorne Road was 71m, and in addition there was mature landscaping present on both sides of the apartment building offering a level of privacy screening.

Members expressed their frustration with the applicant due to the condition regarding the obscure glazing not being followed and the incorrect glass being fitted, although it was noted that an application could be made to vary a condition.

During debate it was proposed and seconded that the application be refused. An amendment was proposed and seconded that a site visit be carried out. Upon a vote the amendment was carried.

Resolved:

That application 15/00827/FUL be deferred subject to site visit.

11 **Planning application 15/00289/FUL 5 Stockwell Road**

The Committee received a report regarding application 15/00289/FUL, The Clock House, 5 Stockwell Road, Tettenhall.


The Committee were advised that the application had been refused at the Planning Committee held on 2 June 2015. The applicants had appealed the refusal and an informal hearing with the Planning Inspectorate was held on 21 October 2015. During the course of the appeal process, in accordance with the Council's affordable housing policies, the applicants had made an offer of £360,000 towards affordable housing provision within the city. The offer was appropriate in policy terms. The Planning Inspectorate had requested the view of Members as to whether the affordable housing commuted sum would be endorsed by the Planning Committee.

Members of the Committee voiced their concerns regarding the approach of McCarthy & Stone Retirement Lifestyles Ltd.

Resolved:

That the affordable housing sum of £360,000 be endorsed.

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	<h1>Planning Committee</h1> <h2>2 February 2016</h2>
Planning application no.	15/01198/FUL
Site	6 Fairview Road, Wednesfield
Proposal	Single storey side extension to create new retail unit.
Ward	Fallings Park
Applicant	Mr Nicola Carissimo
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Service Director	Nick Edwards, City Assets
Planning officer	Name Andrew Johnson Tel 01902 551123 Email andrewk.johnson@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is located at the end of a row of retail shops. The first floor and rear of the retail premises in this parade include residential uses.

3. Application Details

3.1 Single storey side extension to create new retail unit.

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

5.1 Ten letters of objection have been received (from six individual objecting parties), including a response from Councillor Evans. The Fallings Park Ward Councillors have

also undertaken a survey of local residents and have submitted an additional 11 third party letters of objection and one of support. Reasons for objection include highway safety, fear of anti-social behaviour, no perceived need for an additional retail unit and impact on amenity.

6. Consultees

6.1 Environmental Health – No objections.

6.2 Transportation – No objections.

6.3 Police – No objections.

7. Legal Implications

7.1 There are no legal implications arising from this report (LD/07012016/A)

8. Appraisal

8.1 The proposals utilise an area directly adjacent to an existing parade of shops. This application has been submitted on a speculative basis and planning permission is being sought for either Use Classes A1 (Retail) or A2 (Financial and Professional Service or A3 (Café/Restaurant) uses. The original proposals also included Use Class A5 (Hot Food Takeaway), however, the application has been revised to remove this element. The proposals would not adversely affect amenity for nearby residents.

8.2 The new unit would be located near to a window in an adjacent ground floor flat. However, on balance, the massing, orientation, levels and distance between the flank wall of the new retail unit and flat window would mitigate impact on light and outlook for the flat. Therefore, impact on amenity for residents of the flat would be limited to an acceptable level.

8.3 There is frontage parking along this parade. The retail unit is of a small size and the likely parking demand would be limited. The proposals would not adversely affect highway safety.

8.4 The proposed shop is of a similar design to the existing promenade and therefore, visual amenity would not be adversely affected.

8.5 Neighbour comments have included speculation that there is no demand for the unit, or that it would not be viable, however, this is anecdotal and the proposals would potentially create investment and jobs.

8.6 The site is located outside a local centre, however, it would be sited in an established shopping parade. Due to the small scale of the development it is unlikely that material harm to the viability or vitality of the nearby local centre(s) would occur.

9. Conclusion

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

10. Detailed Recommendation

- 10.1 That planning application 15/01198/FUL be granted, subject to any appropriate conditions including:
- Ventilation and extraction
 - Materials
 - Restrict first use to either Use Class A1/A2/A3.
 - Hours of opening restricted to between 0700 hours and 2100 hours Monday to Saturday and between 1000 hours and 1700 hours Sunday and Bank Holidays.



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Planning Committee

2 February 2016

Planning application no.	15/01370/FUL
Site	89 Winchester Road, Wolverhampton
Proposal	Single storey rear and side extension and outbuilding within the rear garden
Ward	Bushbury North
Applicant	Miss Tina Hill
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Service Director	Nick Edwards, City Assets
Planning officer	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 a semi-detached property located within an exclusively residential street. The houses are set within relatively large plots with elongated rear gardens. The property backs onto the rear gardens of houses in Southbourne Road.

3. Application Details

3.1 The application seeks planning permission for a single storey extension along the side and rear of the property and an outbuilding to be used for purposes incidental to the dwelling house. Work has already commenced on the development with the outbuilding almost complete and construction on the extension begun.

3.2 Although the outbuilding and extension have been partially constructed, this does not have an impact on the assessment of the scheme and its planning merits.

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

C/1063/90 Bathroom extension. Granted 11.06.1990.

6. Publicity

6.1 Four letters of objection on the following grounds have been received:

- Out of scale
- Inappropriate site
- Visual impact
- Overbearing on neighbouring properties
- Detrimental to neighbour amenity
- Out of character
- Overdevelopment

7. Legal Implications

7.1 There are no legal implications arising from this report (LD/12012016/A).

8. Appraisal

8.1 The application consists of two elements - the rear/side extension to the residential property and the outbuilding.

Rear/side extension

8.2 The proposed development would extend along the side and rear of the existing dwelling at ground floor level. It will project 3m from the rear elevation. The extension is similar to other developments in the vicinity and is acceptable in terms of design and scale as both of these complement the existing dwelling.

Outbuilding

8.3 The outbuilding is positioned at the end of the site's long rear garden. It extends across the width of the plot and has a dual pitched roof which measures 4m to the ridge.

8.4 The outbuilding's position at the rear of the garden minimises its effect on neighbouring properties. The building is considered to be of an appropriate scale and massing for the location and will not have an unacceptable impact on neighbour amenity.

9. Conclusion

9.1 The extension and outbuilding are of an appropriate scale and design and considered acceptable in this residential setting. There would not be an unacceptable detrimental effect on neighbouring properties, the development is therefore considered acceptable and in keeping with the relevant planning policies and the development plan.


10. Detailed Recommendation

10.1 That planning application 15/01370/FUL be granted, subject to any necessary conditions.



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	Planning Committee 2 February 2016	
Planning application no.	15/01219/FUL	
Site	82 Codsall Road	
Proposal	Enlargement of existing bedroom over garage	
Ward	Tettenhall Regis	
Applicant	Mr and Mrs M Botwood	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Service Director	Nick Edwards, City Assets	
Planning officer	Name	Laleeta Butoy
	Tel	01902 555605
	Email	laleeta.butoy@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is a large detached house with an integral garage, located in a street scene of traditional detached and semi-detached properties of individual character in a predominantly residential area.

3. Application Details

3.1 The proposal is for the extension of an existing bedroom over garage.

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:

- Loss of privacy from proposed side facing bedroom window
- Overbearing impact on ground floor side elevation windows

6. Legal Implications

6.1 There are no direct legal implications arising from this report (LD/13012016/J)

7. Appraisal

7.1 The application site is a large detached dwelling flanked by two other detached houses all of individual character.

7.2 The proposal seeks to extend a bedroom over an existing garage which would be built on the existing foot print.

7.3 The bedroom has an existing side facing dormer window. The proposed bedroom extension would have front and side facing windows.

7.4 An amendment to the side elevation window facing 84 Codsall Road was received on 23 November 2015. The amended elevation show a fixed, Pilkington level 4 obscurely glazed window to prevent any mutual overlooking or perceived overlooking between these two properties.

7.5 Due to the setting of the application site and its neighbouring property at No.82 Codsall Road, the outlook from the side facing bedroom window of this property would not be severely compromised as a result of the proposal as this is regarded as a secondary window.

7.6 By virtue of the siting, scale and design the proposal would not have an overbearing impact on the side facing ground floor lounge windows as these are regarded as secondary windows.

7.7 The proposed bedroom extension would have a side facing window 800mm closer than the existing window built on the existing garage footprint. The proposal would retain the distance between the two detached properties.

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

8. Conclusion

8.1 The proposals accord with the Council's planning policies and there would be no material neighbour impact.

8.3 The proposal has been satisfactorily amended to mitigate any overlooking between the bedroom windows from the application site and neighbouring property.

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 15/01219/FUL be granted, subject to any appropriate conditions including:

- Matching materials
- The side facing window to be fixed, Pilkington level 4 obscurely glazed
- No additional windows or other form of opening above ground floor level shall be introduced into the side elevation



	Planning Committee 2 February 2016	
Planning application no.	15/01422/FUL	
Site	Land adjacent to the Halfway House, 115 Tettenhall Road	
Proposal	Apartment development (20 flats)	
Ward	Park	
Applicant	Lyric Ltd	
Agent	Creative2 Architect Ltd	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable director	Nick Edwards, City Assets	
Planning officer	Name	Phillip Walker
	Tel	01902 555632
	Email	phillip.walker@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Delegated authority to grant subject to s106 and conditions.

2. Application site

- 2.1 The site was previously the beer garden when the Halfway House was a public house. The land is now disused and overgrown. The Halfway House adjoins the site to the north, on the corner of Tettenhall Road and Paget Road. Adjoining the southern, western and north-western site boundaries is housing. There is a brick wall on the Tettenhall Road boundary. Vehicular access to the site is from Paget Road.
- 2.2 The site is located in the Tettenhall Road Conservation Area and the Halfway House is on the Council's 'local list' of buildings of historic interest.
- 2.3 The Halfway House ceased trading as a public house in February 2008 and is now used as a pharmacy and dental surgery. Permission for a medical surgery on the application site was approved in 2012 but has not been implemented.
- 2.4 There are several protected trees within the site, with a line of lime trees adjacent to the boundary with Tettenhall Road.

3. Application Details

- 3.1 The proposal is for an apartment block of 20 two bedroomed flats. The building would be set back 10.5 metres from Tettenhall Road behind the existing wall and trees. It would be three storeys at the front. To the rear the building would reduce to two storeys. Private shared amenity space would be around the sides of the building. Some of the ground floor flats would have private terrace areas and all but one of the upper floor flats would have balconies. The car park includes 30 spaces. Vehicular access would be from Paget Road.

4. Relevant Planning History

- 4.1 14/00230/RC. Variation of condition 15 of planning permission 12/00596/FUL to use the former Halfway House PH as a pharmacy, dentist and opticians. Granted 31.03.2014.
- 4.2 12/00596/FUL. Erection of a medical surgery and refurbishment of former public house to provide a pharmacy and opticians with residential accommodation above. Granted 24.08.2012.

5. Constraints

- 5.1 Tettenhall Road Conservation Area
Locally Listed Building (The Halfway House)
Tree Preservation Orders

6. Relevant Policy Documents

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)

7. Publicity

- 7.1 Nine objections and one representation neither supporting nor objecting to the proposals. Comments summarised as follows:
- Unacceptable access onto Paget Road / detrimental to highway and pedestrian safety
 - Insufficient parking provision for residents / likely to result in parking on surrounding streets
 - Building too big / inappropriate modern design
 - Out of character with the Conservation Area
 - Unacceptable neighbour impact; overbearing, loss of light/outlook/privacy and noise
 - Drainage / flooding concerns
 - Loss of trees / Harm to wildlife

8. Internal Consultees

8.1 Environmental Health / Transportation / Trees – No objection subject to conditions.

9. External Consultees

9.1 Severn Trent Water Ltd - No objection subject to conditions.

10. Legal Implications

10.1 The legal implications arising from this report are set out in paragraph 11.2 below (LD/20012016/J).

11. Appraisal

11.1 The key issues are:

- Design and impact on the Conservation Area
- Access and parking
- Neighbour amenity
- Trees
- S106 requirements

Design and Impact on the Conservation Area

11.2 The building would be appropriately positioned within the site to preserve the openness of the land adjacent to the locally listed Halfway House. The siting of the building would not disturb the line of protected Lime trees.

11.3 The scale and massing of the building would be appropriate in regard to the Halfway House and surrounding housing. The modern design of the building is acceptable. The proposals would bring back into use a disused and overgrown site and preserve the character and appearance of the Conservation Area.

Access and Parking

11.4 There is sufficient car parking provision to meet expected demand.

11.5 The proposed residential development would intensify the use of the access from Paget Road compared to the current situation. However the level of parking generated by twenty flats is unlikely to have a significant impact on surrounding traffic flows and safety. There is the potential for vehicles to block oncoming traffic approaching from the signalised junction when turning right out of the access. To ensure the free flow of traffic it would be appropriate to condition the provision of signage and “keep clear” road surface markings to deter vehicles from turning right when exiting the site. This approach was considered acceptable when permission was previously approved in 2012 for a medical centre.

Neighbour amenity

11.6 The proposed design takes account of surrounding housing and respects neighbour amenity. There would not be an unacceptable overbearing impact, loss of light, outlook or privacy to occupiers of surrounding housing.

Trees

- 11.7 The majority of protected trees would be sufficiently distant from the proposed development to avoid harm. The development would require the removal of three protected trees which are to the rear of the site but these are not particularly prominent and as such their loss could be mitigated by the provision of replacement tree planting within the proposed amenity space.

Section 106 requirements

- 11.8 There is a policy requirement for the following to be secured through a Section 106 planning obligation:
- £53,392 off-site open space contribution to be spent on improvements to West Park
 - Five affordable housing units
 - 10% renewable energy
 - Targeted recruitment and training
 - Management company for communal areas
- 11.9 The applicant is seeking a reduction in Section 106 obligations on the grounds of a lack of viability and the submitted viability information is being assessed.
- 11.10 It would be appropriate to reduce the Section 106 requirements commensurate with any lack of viability which may be demonstrated, with such a reduction being on a pro-rata basis for flats that are ready for occupation within 3 years of the date that a lack of viability is established, to reduce the likelihood that the developers would benefit unduly from rising home prices making the development viable.

12. Conclusion

- 12.1 Subject to conditions and a Section 106 as recommended, the proposal would be acceptable and in accordance with the Development Plan.

13. Detailed Recommendation

- 13.1 That the Service Director of City Assets be given delegated authority to grant planning application 15/01422/FUL subject to:

If the development is financially viable:

- (i) A Section 106 planning obligation for the following
- £53,392 off-site open space contribution to be spent on improvements to West Park
 - Five affordable housing units
 - 10% renewable energy
 - Management company for communal areas
 - Targeted recruitment and training

If the development is not fully financially viable:

A reduction in Section 106 requirements (except for target recruitment and management company) commensurate with the shortfall in viability on a pro-rata basis for all flats 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.


(ii) any appropriate conditions including:

- Materials:
- Landscaping;
- Tree protection measures;
- Construction management plan;
- Drainage
- Hours of construction to be between 0800 to 1800 Monday to Friday; 0800 to 1300 Saturday and at no time on Sundays or Bank and Public Holidays
- Boundary treatments
- Provision and retention of car parking and cycle/motorcycle parking
- Existing ground levels and proposed finished ground floor levels
- Bin stores
- Obscure glazing for en-suite bathroom windows for upper floor flats numbered 11, 12, 13 and 19
- Ecological protection measures
- Car park signage.
- 'Left turn only' signage and road markings to deter right hand turns
- External lighting
- Privacy screen for balcony serving flat 19



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	Planning Committee 2 February 2016	
Planning application no.	15/00991/FUL	
Site	89 Allen Road	
Proposal	Change of use from a single dwellinghouse to a seven bedroom house in multiple occupation.	
Ward	Park	
Applicant	K. Henry Properties Ltd	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Service Director	Nick Edwards, City Assets	
Planning officer	Name	Andrew Johnson
	Tel	01902 551123
	Email	andrewk.johnson@wolverhampton.gov.uk

1. Background

- 1.1 This application was deferred from the previous meeting in order for the committee members to carry out a site visit.

2. Summary Recommendation

- 2.1 Grant subject to conditions.

3. Application site

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

4. Application Details

- 4.1 Change of use from a dwellinghouse to a seven bedroom house in multiple occupation (HMO).

5. Relevant Policy Documents

- 5.1 National Planning Policy Framework (NPPF)

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

6. 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.

7. Consultees

- 7.1 Environmental Health – No objections.
- 7.2 Police – No objections.
- 7.3 Transportation – This is a finely balanced proposal from a transportation perspective. The location is classed as being within a ‘highly accessible’ area for public transport, and whilst the development is only likely to generate a small increase in parking demand this could increase on-street parking demand at a location that appears heavily subscribed. However this would not have a significant detrimental impact on road safety.

8. Legal Implications

- 8.1 There are no legal implications arising from this report (LD/07012016/A).

9. Appraisal

- 9.1 Planning history for this street indicates that one HMO has been granted planning permission. Three properties have also been granted planning permission to be subdivided into flats.
- 9.2 Planning permission is not required to convert a house into a HMO for up to six persons. The speaker at the previous planning committee stated that a number of properties in the vicinity have been converted into HMO’s. As a conversion (up to six persons) would not require planning permission a definitive figure cannot be established.
- 9.3 This property is a relatively large family home and is located in an area that is classed as being ‘highly accessible’. Often a HMO creates limited parking demand due to the financial circumstances of the occupants. In this case the proposed use might create more parking demand, however, not significantly more than the existing arrangement because this is a relatively large family house. Therefore, on balance, the proposals would not create undue harm to highway safety.
- 9.4 The use of the property as a HMO would be visually similar to a typical dwellinghouse. It is acknowledged that a HMO may function differently to a family house and understandable concerns have been raised about possible anti-social behaviour. As there is insufficient evidence of a particular proliferation of anti-social behaviour in this

street associated with existing HMO's a planning reason based on fear of crime could not be sustained in this case.

10. Conclusion

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

11. Detailed Recommendation

11.1 That planning application 15/00991/FUL be granted.



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Planning Committee

2 February 2016

Planning application no.	15/00827/RC	
Site	Woodthorne, Wergs Road	
Proposal	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	
Ward	Tettenhall Regis	
Applicant	David Wilson Homes Mercia	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Accountable director	Nick Edwards, City Assets	
Planning officer	Name	Andy Carter
	Tel	01902 551132
	Email	andy.carter@wolverhampton.gov.uk

1. Background

- 1.1 This application was deferred from the previous meeting in order for the committee members to carry out a site visit.

2. Summary Recommendation

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

3. Application site

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

4. Application Details

- 4.1 The proposals seeks an alternative permission to 13/01174/RC, which would allow the insertion of clear glazing in the south elevation of the apartment block, and Privacy Glazing Level 1 in the north elevation. The replacement glazing has been installed.

5. Planning History

5.1 12/01478/FUL – 58 dwellings (46 houses and 12 apartments) granted 22 May 2013.

6. Relevant Policy Documents

6.1 National Planning Policy Framework (NPPF)

6.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
Tettenhall Neighbourhood Plan (TNP)

7. Publicity

7.1 Three objections have been received

- on the grounds of loss of privacy

8. Legal Implications

8.1 There are no direct legal implications arising from this report.
(LD/20012016/C)

9. Appraisal

9.1 The key issues are:-

- Privacy
- Section 106 requirements

Privacy

9.2 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. Level 1 glazing gives a lower level of privacy than Level 4.

9.3 The rooms in question are dual aspect open plan living spaces. To the north of the apartment block, the distance to the rear of 92 Wergs Road is 43m. To the south, 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.

9.4 In the context of the site and the surroundings the proposed reduction in obscurity 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

- 9.5 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.


10. Conclusion

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

11. Detailed Recommendation

- 11.1 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



		<h1>Planning Committee</h1> <h2>2 February 2016</h2>	
Planning application no.	15/01306/FUL		
Site	Land to the rear of 32 and 33 Quail Green		
Proposal	Three detached houses		
Ward	Tettenhall Wightwick		
Applicant	Pietro Corbelli		
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity		
Accountable director	Nick Edwards, City Assets		
Planning officer	Name	Andy Carter	
	Tel	01902 551132	
	Email	andy.carter@wolverhampton.gov.uk	

1. Summary Recommendation

1.1 Grant.

2. Application site

2.1 The application site was formerly part of the rear garden of 15 Tinacre Hill, and is now a largely cleared site, with an access that has been created from Quail Green. The site is approximately 0.25 hectares and slopes upwards from front to back. The surrounding area is residential.

3. Application Details

3.1 The proposals are for three detached houses; one four bedroom and two five bedroom houses, each with a double garage, and two parking spaces. A further single garage would be located at the rear of 32 Quail Green for that property. One protected tree would be removed.

4. Planning History

4.1 14/00982/OUT– Four houses in the rear garden of 15 Tinacre Hill, proposed access from Quail Green refused 08.10.2014.

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 Six objections have been received to the proposals. The reasons are summarised below:
 - Increase in traffic
 - Lack of footway along access road
 - Inappropriate access
 - Loss of privacy/overlooking
 - No provision for waste collection
 - Drainage issues

7. Legal Implications

- 7.1 There are no direct legal implications arising from this report (LD/13012016/H).

8. Appraisal

- 8.1 The key issues are:-

- Principle of Development
- Transport
- Neighbour amenity
- Street Scene
- Loss of Protected Tree

Principle of Development

- 8.2 The site is vacant and has a vehicle access from Quail Green. The layout shows three houses in large plots similar to the density of development at Rookwood Drive and Quail Green. Having been previously cleared the land performs little function for the surrounding area. Other examples of infill development have occurred along Tinacre Hill. A modest residential development is acceptable in this location.

Transport

- 8.3 The access to the site is sufficient width for two cars to pass. Three houses would not generate a number of car trips have a significant impact on the highway. Owing to the anticipated low speed of vehicles entering and exiting the site a pedestrian footway is not deemed necessary. Bins would be collected from within the access road from a demarcated area. The current 1.8m close boarded fence alongside the access road and

the front garden of 32 Quail Green would be reduced to 0.6m to allow necessary visibility for exiting vehicles.

Neighbour Amenity

- 8.4 The distance from the front of the houses at plots 1 and 2 to the rear of 32 and 33 Quail Green is approximately 26m. This is in excess of the 22m required by the Council's SPG and takes account of the levels difference between the proposed and existing. The blank gable wall of the proposed house at plot 3 is 20m from 33 Quail Green, ensuring no overlooking.
- 8.5 The rear part of the garden at 33 Quail Green would be approximately 12m from the front of the house at plot 2. The substantial leylandii planting at the rear of 33 Quail Green would give some screening to negate the overlooking. The positioning of a single garage at the rear of 32 Quail Green would eliminate any overlooking of that rear garden.
- 8.6 Positioning the gable of plot 1 level with 15 Rookwood Drive means that there would be no loss of privacy or light for either the existing or proposed houses.

Street scene

- 8.7 Visibility of the three houses from Quail Green would be limited to occasional glimpses beyond 32 and 33, and down the access road. The presence of the access road in the street scene when viewed from Quail Green is not deemed harmful in design terms. Wrought iron gates would secure the access road, placed in line with the front elevation of 32 Quail Green. The development when viewed from Rookwood Drive would appear as a recessive continuation of that road.

Loss of protected tree

- 8.8 The proposed location of the garage for the house at plot 2 would result in the loss of a protected silver birch. The applicant has agreed to replace this with two flowering trees at a location visible from the access road. No other protected trees would be removed.

9. Conclusion

- 9.1 Subject to conditions the proposal would be acceptable and in accordance with the development plan.

10. Detailed Recommendation

- 10.1 That planning application 15/01306/FUL be granted, subject to any appropriate conditions including:

- Materials;
- Landscaping;
- Boundary treatments
- Hours of construction;
 - 0800 to 1800 Monday to Friday,
 - 0800 to 1300 Saturday,

- at no time on Sundays or Bank and Public Holidays.
- Removing permitted development rights for windows in the east elevation of plot 3
- Bin store details
- Lighting





Planning Committee

2 February 2016

Planning application no.	15/01356/FUL	
Site	Land adjacent to 47 Braden Road, Wolverhampton	
Proposal	Erection of one three bedroomed detached bungalow	
Ward	Merry Hill	
Applicant	Mr Phil Tonks	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Service Director	Nick Edwards, City Assets	
Planning officer	Name	Nussarat Malik
	Tel	01902 550141
	Email	nussarat.malik@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The application site is a plot of land at the rear of 28 and 26 Bryan Avenue and fronting on to Braden Road. The land was previously used as part of the rear gardens of the 28 and 26 Bryan Avenue, this is now fenced off.

2.2 At present there is a single storey detached garage on one side of the plot with the remainder being derelict.

2.3 The immediate area consists predominately of residential properties mainly semi-detached houses with relatively long rear gardens.

3. Application Details

3.1 The application seeks planning permission for the erection of a three bedroomed detached bungalow with two parking spaces and rear garden. The single storey garage would be demolished.

3.2 The proposed bungalow will front on to Braden Road and will have a landscaped garden to the front and parking spaces for two cars to the side with rear garden. There will be a dwarf wall and fence to the front. Internally there will be kitchen to the front and lounge to the rear with two medium sized bedrooms and one smaller bedroom.

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 Statutory Planning Guidance 3 and 4 (SPG)

5. Planning history

- 15/01229FUL Erection of one three bed roomed detached dwelling. Withdrawn 19.11.2015.
- 08/00241/OUT Erection of 2No. Semi-detached one bed retirement bungalows (outline) Refused 14/04/08
- 08/00697/OUT Erection of 1No. Dormer bungalow (outline) Withdrawn 02.07.08

6. Publicity

- 6.1 Ten letters of objection on the following grounds have been received:
 - Inadequate parking provision
 - Increase in traffic
 - Drainage problems
 - Overbearing on neighbouring properties
 - Detrimental to neighbour amenity
 - Out of character
 - Overdevelopment

7. Legal Implications

- 7.1 There are no direct legal implications arising from this report. (LD/20012016/M)

8. Internal Consultations

Environmental Health

- No objections

9. Appraisal

- 9.1 The key issues are:
 - The principle of the development
 - Design
 - Neighbour Impact
- 9.2 The principle of the development
The plot is much shorter in length in comparison to other properties within the immediate street. However there is potential for development of the site.

- 9.3 It would be appropriate to use the plot as residential development site. This would also provide a suitable planning use for a derelict and unsightly site.
- 9.4 The entrance to the new dwelling will be from Braden Road where there will be two parking spaces to the side of the bungalow which is appropriate provision.
- 9.5 Therefore, on balance it is considered that the principle of residential development is acceptable, and compliant with UDP Policy D4, H6, BCCS, ENV3.
- 9.6 Design
The proposal will have a pitched roof, and will fill most of the plot facing Braden Road. There will be a gap on the side for parking and access to the rear of the bungalow. The overall design of the bungalow is simple and will not detract from the current street scene.
- 9.7 The bungalow will be slightly forward of the current building line, however this will not affect the adjacent property at number 47 or have a significant impact in terms of street scene.
- 9.8 This design approach is considered to be appropriate and compliant with UDP Policy D4, D6, D7, D8, D9 and BCCS ENV3.
- 9.9 Neighbour impact
Given the location and separating distances involved, the scheme will not have a detrimental impact on other neighbouring properties in terms of loss of light or privacy; nor will traffic from one dwelling add significantly to disturbance to any neighbour. The proposed dwelling will have its own two on-site parking.


10. Conclusion

- 10.1 The proposed plot is considered suitable in location and size for residential development of the scale and nature proposed. The layout and setting of the proposed dwelling would provide sufficient distances between the existing and proposed dwelling. The design relates well to its surroundings and sits well within the street scene. The proposal will also provide an appropriate planning use for a derelict and unsightly site.
- 10.2 It is considered that the proposed dwelling would be compliant with UDP Policies AM12, AM15 D3, D4, D6, D7, D8, D9, H6, and EP9 NPPF, SPG3, BCCS CP4, ENV3.

11 Detailed Recommendation

- 11.1 That planning application 15/01356/FUL be granted, subject to any appropriate conditions including:
- Submission of materials.
 - Landscaping
 - Drainage details
 - Hours of construction
 - Air Quality



	<h1>Planning Committee</h1> <h2>2 February 2016</h2>
Planning application no.	15/01392/REM
Site	Former Pennfields Special School, Birches Barn Road, Wolverhampton, WV3 7BJ
Proposal	Reserved matters - residential development comprising 37 dwellings (including matters of access, layout, scale and appearance and excluding landscaping) and pursuant to outline permission 14/01123/OUT
Ward	Graiseley
Applicant	Otto De Weijer
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Service Director	Nick Edwards, City Assets
Planning officer	Name Jenny Davies Tel 01902 555608 Email Jenny.davies@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions

2. Application site

2.1 This former school site is located approximately 1.3 km to the south-west of the City Centre. The school buildings were demolished in 2015.

2.2 The site is covered by a Tree Preservation Order. The trees are located on the northern, western and southern boundaries.

2.3 The site is surrounded to the north, east and west by housing. To the south is Beckminster House a three storey Grade II listed building occupied as offices.

3. Application Details

3.1 This is an application for approval of reserved matters access, layout, scale and appearance following outline permission for residential development.

3.2 The proposal is for 37 dwellings comprising two, three and four bedroomed houses and one and two bedroomed apartments. The houses are a mix of two and three storey in height and the apartment building located in the western corner of the site is three storey with parking at the front and private amenity space at the rear.

3.3 Access to the site is off Birches Barn Road.

3.4 The proposed layout would not result in the loss of any trees.

4. Relevant planning history

4.1 14/01123/OUT for Residential development - outline with all matters reserved, Granted 03.12.2014

4.2 14/01175/DEM for Demolition of school buildings - Granted 12.11.2014

5. Relevant Policy Documents

5.1 National Planning Policy Framework (NPPF)

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

6. Publicity

6.1 Eleven objections have been received. The main objection was to the access from the rear of the site from Holly Grove but amended plans have been received which close off this access. Other objections relate to:-

- Height of buildings
- Drainage/flooding
- Overlooking
- Loss of privacy

7. Consultees

7.1 Transportation – no objections subject to a condition to maintain visibility at junction.

7.2 Trees – no objections

8. Legal Implications

8.1 The legal implications arising from this report are set out in paragraph 9.6 below.
[LD/20012016B]

9. Appraisal

9.1 The proposed access off Birches Barn Road and parking provision are acceptable.

- 9.2 There is a distance of between 36 metres and 42 metres between the rear elevations of properties in Church Walk and the proposed three storey houses (plots 29 to 32) and apartment block and a distance of 36 metres between the rear elevation of 66 Beckminster Road and the apartment block and obscure glazing in the west facing elevation which would be acceptable and would not result in a material loss of privacy, overlooking or loss of outlook to these properties.
- 9.3 There would be 20 metres between the side elevation of the apartment block and windows in 18 Holly Grove. However, the new apartment block would be at an angle and with obscure glazing would not result in a material loss of privacy, overlooking or loss of outlook to this house.
- 9.4 The house types would be a traditional design and constructed in brick and tile with limited rendering on some properties.
- 9.5 The development would have a neutral effect on the setting of Beckminster House by being complimentary in scale and form with no harm to the significance of this heritage asset.
- 9.6 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant planning permission for development which affects a listed building or its setting the Council shall have regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses

10. Conclusion

- 10.1 The access, appearance layout and scale of the development are acceptable and in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9 and H6.


11. Detailed Recommendation

- 11.1 Grant subject to the following conditions:-
- Submission of sample materials
 - Remove PD rights for rear boundary fencing for plots 16 to 19
 - Obscure glazing in apartments



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	<h1>Planning Committee</h1> <h2>2 February 2016</h2>
Planning application no.	15/01340/FUL
Site	Land Adjacent To Carder Crescent And Dudley Street, Bilston
Proposal	Erection of 78 dwellings
Ward	Bilston East
Applicant	Kier Living
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Service Director	Nick Edwards, City Assets
Planning officer	Name Jenny Davies Tel 01902 555608 Email Jenny.davies@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Delegated authority to grant subject to:

- Signing of a Section 111/106 agreement
- Additional tree survey work and drainage information
- Tracking details for turning heads
- Amendments to house types and layout
- Coal Authority removing their objection
- Conditions

2. Application site

- 2.1 The site is located 3km to the south-east of Wolverhampton City Centre and 300m south of Bilston Town centre. The land is vacant and covered in large areas of poor quality woodland.
- 2.2 The site is split east and west of Carder Crescent. The western site is bounded by housing in Carder Crescent to the south and a large area of open space and woodland to the west. The eastern site is bounded by the Birmingham Canal (a conservation area) to the east and south and west by housing in Carder Crescent, Arlidge Close and Barnett Close.

3. Application Details

3.1 The proposal is for 78 dwellings comprised of:-

Type of Unit	Number
4 bedroom	4
3 bedroom	31
2 bedroom	31
1 bedroom apartment	5
2 bedroom apartment	6
2 bedroom bungalow	1
Total	78

The houses are mainly a mix of two and three storey in height and the apartment building located on the southern corner of Carder Crescent and Dudley Street is three storey with parking and private amenity space at the rear.

3.2 New access roads would follow the line of an existing culvert. Pedestrian links through the site would be retained.

3.3 The development would result in the loss of a number of trees across the site.

4. Relevant Policy Documents

4.1 National Planning Policy Framework (NPPF)

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

4.3 Bilston Urban Village: Supplementary Planning Document.

5. Publicity

5.1 No objections received.

6. Consultees

6.1 Environmental Health - No objections subject to conditions.

6.2 Transportation– No objections subject to tracking details and conditions.

6.2 Housing – the proposed affordable housing mix/tenure is acceptable in principle.

6.3 Police – awaiting comments.

6.4 Coal Authority – objects – further information required to demonstrate that there would be no significant risk to the development posed by mine entries.

7. Legal Implications

- 7.1 The legal implications of this report are set out in paragraphs 8.2 and 8.7 below (LD20012016/A).

8. Appraisal

- 8.1 The principle of residential development is acceptable and in accordance with development plan policies and the development framework in the Bilston Urban Village Supplementary Planning Document.
- 8.2 The proposed layout would not result in any overlooking or loss of privacy to neighbouring properties apart from plots 37 and 38 which would be too close to 5 and 6 Barnett Close and the applicant has been asked to address this. It is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The layout would address the canal frontage and make a positive contribution to the Bilston Canal Corridor conservation area. The house types are contemporary but constructed of traditional materials.
- 8.3 Three corner plots are not acceptable and need amending to reflect their prominent corner location. It is not clear from the proposed layout if large vehicles can turn satisfactorily in front of plots 1 to 4 and plots 44 and 47. Tracking drawings have been requested.
- 8.4 A number of trees would be removed to enable the development. Most of the trees are poor specimens. Further survey work is necessary to determine if additional trees can be retained and thereby limit the loss of trees on the site.
- 8.5 Further information is required to demonstrate that surface water from the site can be managed in a sustainable manner.
- 8.6 The site is heavily constrained by mineshafts, a gas pipeline and culvert. Taking account of these constraints the proposed layout is acceptable subject to those minor changes mentioned above and would be in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, H6 and HE4.
- 8.7 Because the Council cannot enter into a S106 Agreement both as landowner and local planning authority, to secure planning obligations the Council and the Developer must enter into an Agreement under Section 111 of the Local Government Act 1972. The Section 111 Agreement will require the developer to enter into a S106 of the Town and Country Planning Act 1990 at the same time it takes ownership of the land. The requirement to comply with the planning obligations will take effect when the land transfers to the developer. Affordable housing, management company and a contribution of £30,000 towards the creation of a central area of open space within the urban village will be secured through this legal mechanism. These Section 106 requirements meet the relevant tests and comply with policy requirements.

9. Conclusion

- 9.1 Subject to a further tree survey, drainage details and revision of house types and layout and tracking drawings to demonstrate that turning heads are acceptable and a S111/106 agreement, conditions as recommended and resolution of outstanding Coal Authority objection, the proposal would be acceptable and in accordance with the development plan.

10. Detailed Recommendation

- 10.1 That the Strategic Director Place be given delegated authority to grant planning application 15/01340/FUL subject to:
- (i) Submission of a satisfactory tree survey, revised house types and tracking details for turning heads;
 - (ii) Resolution of Coal Authority and drainage objection;
 - (iii) Completion of a Section 111 to obligate the developer to enter into a S106 agreement on taking possession of the land to secure:
 - 20 units of affordable housing
 - Off-site contribution of £30,000 for open space
 - Management company
 - (iv) Any necessary conditions to include:
 - Materials
 - Canal towpath improvements
 - Land contamination
 - Drainage
 - Vehicular and pedestrian visibility splays
 - Construction management plan
 - Electric charging points
 - Vibration levels during construction
 - Tree root protection measures
 - Boundary treatments
 - Landscaping
 - 10% renewable energy
 - TRO extension on Dudley Street



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