

Planning application no.	19/00106/FUL	
Site	Land To The Rear Of 45 Rookery Road, Wolverhampton.	
Proposal	Erection of 8 apartments and 4 houses to include remedial, access works and landscaping	
Ward	Spring Vale;	
Applicant	Mr Martin Howell (Ultra Developments)	
Cabinet member with lead responsibility	Councillor Harman Banger Cabinet Member for City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	City Planning	
Accountable employee	Vijay Kaul	Senior Planning Officer
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1.0 Summary recommendation:

1.1 Approve subject to S106 Agreement

2.0 Application site

- 2.1 The application comprises of an area of undeveloped land to the rear of 29 to 45. It slopes upwards from east to west. Beyond the western boundary, there is an electricity pylon with its lines extending easterly across the site.
- 2.2 Access is from Bayliss Avenue, a narrow residential cul-de-sac off Rookery Road.
- 2.3 There is a larger open space to the south of the site which had outline planning permission for a care home but that has now expired.
- 2.4 Land to the rear of 41-54 Beach Avenue and 51 - 59 Brynmawr Road, is beyond the western boundary, this benefits from outline planning permission for up to three units.

3.0 Application details

- 3.1 The application proposes 4 detached dwellings and 8 two-bed apartments contained in two separate blocks.
- 3.2 The houses would have two full storeys with rooms in the roof space, the apartments would be spread over two storeys.
- 3.3 The houses would be served by private gardens and the apartment block would have a communal garden area.

4.0 Relevant policy documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 Affordable Housing SPD

5.0 Publicity

- 5.1 Six letters of objection were received, summarised as follows;
- Increased traffic and adverse impact on highway safety.
 - Harmful to character of the area
 - Land not suitable - mine shafts, drainage problems, water/gas supply and electricity pylons.
 - Loss of privacy due to land level and height of buildings.
 - Increased noise disturbance and light pollution.
 - Detrimental impact on wildlife.

6.0 Consultees

- 6.1 Environmental Health: No objection subject to condition(s) requiring scheme to deal with land contamination.
- 6.2 Drainage / Flood Risk: No objection subject to condition requiring detailed surface water drainage scheme
- 6.3 Transportation: No objection subject to conditions.
- 6.4 Coal Authority: No objection subject to a condition requiring a further site investigation and if necessary remediation measures.
- 6.5 Western Power Distribution: No objection subject to informative about working practices and clearances.

6.6 Severn Trent Water: No objection subject to a condition requiring drainage details

7.0 Legal implications

7.1 The legal implications arising from this report namely requiring a S106 Agreement are set out below. KR/19122019/C

8.0 Appraisal

8.1 On the 21st May 2019 Planning committee resolved to approve this planning application, subject to the provision of 25% Affordable Housing across this site and for the immediately adjoining site which has been granted planning permission (17/01495/FUL) for 10 dwellings. This would have equated to 6 Affordable units out of the total 22 dwellings. The S106 has not been completed and therefore this application remains undetermined.

8.2 Since then, the applicant has submitted a Viability Appraisal to demonstrate that the affordable housing provision would render the entire development unviable. This has been independently appraised by the Council's appointed assessors, who advise that a fully policy compliant development to include affordable housing would not be a viable form of development.

8.3 The NPPF gives opportunity for a developer to submit a viability assessment if the planning obligations would genuinely threaten the overall viability of the development. In this instance, it is recommended that affordable housing obligations should be waived, on a pro-rata basis for any dwellings that are ready for occupation within three years of the date that non-viability was confirmed (4th December 2019), with the full requirement applying to those that are not ready for occupation by that date.

8.4 The remainder the planning assessment remains unaltered and is re-iterated below.

8.5 Although the widening of Bayliss Avenue providing 1800mm wide pavements and a 5500mm wide highway to access the development have previously been approved, a condition will be required for these works to be undertaken should the current scheme be developed in advance of the 10-dwelling scheme.

8.6 The height of the apartments and houses is acceptable when viewed in conjunction with surrounding land form and development. The external design respects the local character and would contribute to the varied dwelling types already found in the area.

8.7 The proposed houses would be at least 24.5m away from those fronting Bayliss Avenue. This exceeds the Council's minimum separation standard of 22m. This separation distance, together with proposed boundary treatments, would be sufficient to protect the privacy of neighbours. This development would be screened from dwellings fronting Rookery Road by the 10 dwellings already approved.

8.8 The proposed means of access and highway improvements to Bayliss Avenue are the same as previously approved for the development of 10 dwellings. With two parking

spaces per dwelling, one space per apartment with visitor parking and motor cycle bays, there would be sufficient off-street parking provision.

9.0 Conclusion

9.1 The proposed development is acceptable and in accordance with the development plan subject to completion of a S106 agreement.

10.0 Detail recommendation

10.1 That the Strategic Director Place be given delegated authority to grant planning application 19/00106/FUL subject to:

(i) Section 106 Agreement to secure:

- Provision of 25% Affordable Housing on a pro-rata basis for each dwelling that is not ready for occupation on 4th December 2022

(ii) Subject to any appropriate conditions including (but not limited to):

- External materials.
- Levels.
- Construction Management Plan (inc operational hours).
- Land contamination and ground gas.
- Intrusive site investigation (coal mining).
- Drainage.
- Landscaping.
- Boundary treatments and retaining structures.
- Electric charging points.
- Renewable energy.
- No external lighting without approval.
- Remove PD rights for rear extensions and dormers.
- No more than three dwellings to be occupied prior to Bayliss Avenue Road widening.
- 1.8m footway on both sides of widened road.
- Long-term Landscape Management Plan

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