



Planning Committee

6 May 2014

Planning application no.	14/00068/OUT
Site	Sunnyside, Taylor Road
Proposal	Residential development for 14 houses (outline with 'access' and 'layout' considered)
Ward	Ettingshall
Applicant	Mr M Pritchard
Agent	Mr I Lewis
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
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 signing of a Section 106 agreement and conditions.

2. Introduction

- 2.1 This application was deferred by Planning Committee on 1st April 2014 for a site visit.

3. Application site

- 3.1 The site comprises an area of undeveloped land at the end of the adopted part of Taylor Road. The house that used to occupy the site was demolished in 2002 following a fire. The site has remained vacant since and has subsequently become vegetated with fairly mature trees along the eastern and western boundaries.
- 3.2 The undeveloped land to the east is identified for employment use and to the north east is an existing large industrial unit. There are three houses to the south and areas of open space to the north and west that divide the site from adjacent dwellings on Taylor Road. The land to the west is identified as a site of Local Importance for Nature Conservation (SLINC).

4. Application Details

- 4.1 Outline planning permission is sought for fourteen houses with access and layout for consideration and all other matters reserved.
- 4.2 It is proposed to extend the adopted highway (Taylor Road) into the application site.
- 4.3 Of the fourteen houses 6 would have two bedrooms and 8 would have three. Each house would have two car parking spaces.
- 4.4 The application has been supported by an ecological and bat survey, coal mining risk assessment and acoustic survey.

5 Planning History

- 5.1 10/01120/FUL - Erection of nine houses with associated car parking, landscaping and highway works – Granted 10th May 2011.

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)
- 6.3 SPG 3 'Residential Development'

7. Environmental Impact Assessment Regulations

- 7.1 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

8. Publicity

- 8.1 Eight objections have been received which can be summarised as follows:
 - Development may affect stability of existing dwellings due to mining legacy
 - Increased volume of traffic
 - Adversely affect habitats and protected wildlife
 - Would prejudice existing and future employment uses on land adjacent.
 - Over development of the site
 - Increased anti-social behaviour

9. Consultees

- 9.1 Transportation / Ecology Trees – No objections.
- 9.2 Environmental Services – Object - the introduction of residential development is likely to result in complaints about noise from neighbouring industry which could result in restrictions being imposed on businesses.
- 9.3 Coal Authority – No objection subject to condition.

10. Legal Implications

- 10.1 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
- 10.2 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. KR/16042014/D.

11. Appraisal

- 11.1 The site has an extant planning permission for the erection of nine houses. The principle of residential development on this land has therefore been established. This fallback position, the positive regenerative benefits of the development and possibility of mitigating noise disturbance outweigh the concerns of Environmental Health.
- 11.2 The proposed layout and access are acceptable.
- 11.3 The habitat and bat survey satisfactorily demonstrate that the site could be developed without resulting in harm to any protected species or its habitat, subject to conditions.
- 11.4 In accordance with development plan policies a S106 agreement is required to secure:
- Targeted recruitment and training
 - Off-site contribution for open space and play £65,622
 - 10% renewable energy

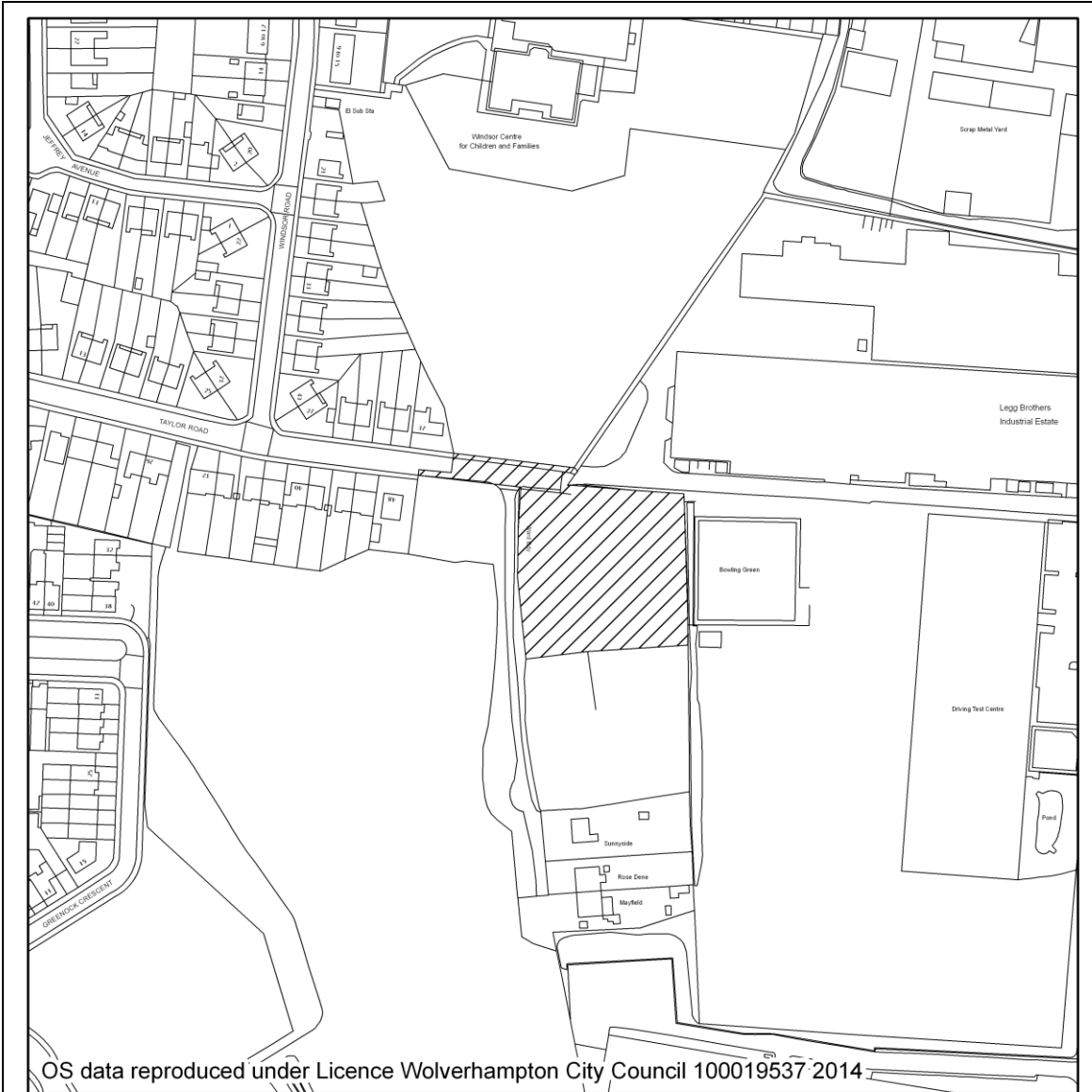
12. Conclusion

- 12.1 Subject to a S106 agreement and conditions as recommended, the proposal would be acceptable and in accordance with the development plan.

13 Detailed Recommendation

- 13.1 That the Strategic Director of Education and Enterprise be given delegated authority to grant planning application 14/00068/OUT subject to:
- (i) Completion of a Section 106 agreement to secure;
 - Targeted recruitment and training
 - Off-site contribution for open space and play
 - 10% renewable energy

 - (ii) Any necessary conditions to include:
 - Standard outline conditions
 - Levels
 - Floor Plans
 - Land contamination
 - Drainage
 - Mining Investigation / Mitigation
 - External lighting
 - Noise survey and remedial measures
 - Vehicular and pedestrian visibility splays
 - Detailed highway design to link the site to Taylor Road
 - Tree root protection measures



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