



# 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 and replacement car park (37 spaces) to serve the college.
- 3.3 The applicant, YourLife Management Services Limited, are McCarthy & Stone's managing agent and care operator for its Assisted Living Extra Care schemes.

#### **4 Planning History**

- 4.1 No relevant planning history.

#### **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)

SPG 3 Residential Development  
Tettenhall Historic Landscape Character Study

#### **6. Publicity**

- 6.1 A total of 30 representations and a 20 person petition have been received of which, 26 object and four support. 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/access into the college;
- Detrimental to conservation area/listed buildings;
- Over development, height and density of building;
- Inadequate parking;
- Visual impact, 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; and
- Detrimental impact on Tettenhall village centre.

- 6.2 The content of the representations in support is summarised as follows:

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

## **7. Internal Consultees**

- 7.1 Environmental Health, Transportation, Landscape, Ecology – See appraisal

## **8. Legal Implications**

- 8.1 When an application is situated in or affects the setting of a Conservation Area in accordance with Sections 72 and 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.
- 8.2 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 special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.

## **9. Appraisal**

- 9.1 The key issues are:

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

### **Requirement for affordable housing**

- 9.2 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 for sale (leasehold) would fall within Use Class C3 "Dwellinghouses", for which there is a policy requirement for 25% affordable housing.
- 9.3 The applicant states that the application proposal is not a care home but because residents would be required to sign up for a care package. The applicant supports this view with a legal opinion from their barrister and examples of where other Councils have accepted their argument.

- 9.4 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.
- 9.5 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**

- 9.6 The pattern of development along Wood Road is mixed, with large buildings to the southwest and northeast (the college and the hospital) and housing to the north and west. The proposed building would relate to the other large buildings on the southwest of and would be predominantly seen 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**

- 9.7 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 to a sufficient distance as to not alter its significance.

**Scale**

- 9.8 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**

- 9.9 The proposed parking provision of 27 spaces and a mobility scooter storage area are acceptable. The development would require a pedestrian crossing on Wood Road close to the existing access and footway widening between the entrance to the development and the proposed crossing location, which could be required by condition if planning permission were to be granted.
- 9.10 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**

- 9.11 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.

**Landscaping and trees**

- 9.12 A detailed landscaping scheme has been submitted as part of the application, which would provide good quality amenity space.
- 9.13 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**

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

**Need for the development**

- 9.15 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 area**

- 9.16 Environmental Health have commented that the applicant has not given due regard to the potential for disturbance to occupiers of the proposed apartments. The applicant has been advised to re-orientate the pitches to increase the separation distance to at least the 12 metres advised by Sport England. The agent has indicated that amended plans will be submitted for Committee to consider.

**Open Space**

- 9.17 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**

- 9.18 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**

- 9.18 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

## 10. Conclusion

The application is unacceptable because it does not make an affordable housing provision contrary to Policy HOU3 of BCCS. It is also considered that the proximity of the multi-use games areas will seriously detract from the amenity of residents.

## 11. 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, due to its siting in close proximity to the proposed residential apartments would seriously detract from the amenity of these residents. The proposal is therefore contrary to UDP Policies EP1, EP4, EP5, and R10.

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