



Planning Committee

1 December 2015

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, Service Director, City Assets
Planning officer	Name Andy Carter Tel 01902 551132 Email andy.carter@wolverhampton.gov.uk

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 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

- 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

