

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Planning Committee</b> Tuesday, 13 July 2021
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<b>Planning application no.</b>	20/01584/OUT	
<b>Site</b>	Land East Of 86 Arthur Street, Parkfield, Wolverhampton.	
<b>Proposal</b>	New Residential Development (13No. dwellings indicative) matters for consideration Access to the site only. (re-submission19/00391/OUT)	
<b>Ward</b>	Blakenhall;	
<b>Applicant</b>	W. G. & M. Marshall Ltd	
<b>Cabinet member with lead responsibility</b>	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
<b>Accountable Director</b>	Richard Lawrence, Director of Regeneration	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Tracey Homfray	Planning Officer
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## 1.0 Summary recommendation:

1.1 Grant

## 2.0 Application site

2.1 The site consists of a redundant piece of land located at the end of Arthur Street, between existing industrial units and a chalet development. The site can be accessed on foot and vehicle from Arthur Street (residential) and Cockshutts Lane (industrial). The site has some tree coverage.

## 3.0 Application details

3.1 The proposal is for outline permission for access only, for 13 residential dwellings (indicative layout provided). Access is off Thompson Avenue, along Cockshutts Lane which is gated, and provides access to keyholders outside of business hours associated with the current commercial businesses accessed off Cockshutts lane.

- 3.2 This application is a resubmission of application 19/00391/OUT which was refused by planning committee for the following reason:  
***The detail submitted failed to demonstrate that vehicular and pedestrian access to the proposed site could be achieved, with respect to highway and pedestrian safety. Insufficient detail included required road width, parking for existing commercial units which would be displaced by required alterations to access road, parking along the access which could also restrict vehicular accessibility, street lighting, and secure gated entrance. Policies UDP AM9, AM12 & AM15, BCCS TRAN4.***
- 3.3 The applicant has submitted the scheme again with additional detail such as a vehicle swept path analysis, and section thru of the development with respect to the adjoining chalet park, to display the massing in relationship to the chalets.

#### **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)

#### **5.0 Publicity**

- 5.1 Petition containing 84 signatures, with no reasons for objection.
- 5.2 Six letters of objection (including an MP and two Councillors) one request to speak:
- Overdevelopment
  - Wildlife;
  - Access;
  - Traffic;
  - Air quality;
  - Noise Disturbance;
  - Loss of trees;
  - Fire risks;
  - Traffic congestion;
  - Privacy;
  - Loss of green site and wildlife;
  - Loss of use of land for parking;
  - Air quality due to extra traffic;
  - Security;
  - Fear of crime if the security gates are to be removed.
  - Damage to road/kerb
  - Fly Tipping
  - Height of proposed dwellings overbearing
  - Access to Electric Sub Station and Sewage Pump for Chalet Park.

## 6.0 Consultees

- 6.1 **Transportation** – no objections to the retention of the existing security gates subject to conditions that the existing access arrangements remain in place, the issue of keys to all individuals and groups who will require access, i.e. emergency services, upgraded street lights and improved pedestrian access. subject to conditions with respect to the retention of entrance security gates, upgraded street lighting and improved pedestrian access.
- 6.2 **Ecology** - While generally satisfactory the site survey work for the Appraisal was undertaken in June and October 2018 and the Desk Study in October 2018. As the survey work is over two years old it can no longer be relied on and should be updated. A new site walkover survey should be sufficient to update the Appraisal. I would not regard a new bat survey or a refresh of the Desk Study as necessary. Generally the recommendations in the Appraisal with any revisions following the updated survey work should be followed.
- 6.3 **Trees** – no objections.
- 6.4 **Community Safety** – no objection subject to retention of security gates.
- 6.5 **Environmental Health** –  
Condition a full site investigation, due to land gases. As such, we would need an intrusive investigation and certainly some gas protection (membranes or sub-floor ventilation) to be installed into new dwellings.  
  
The site is next to commercial/industrial units and we have had complaints in the past from a resident of Thompson Ave about access to and from Cockshutts Lane outside normal working hours, therefore I would suggest a noise assessment is carried out regarding the industrial units and a noise insulation scheme to include glazing and ventilation.
- 6.6 **Public Protection** – no objection subject to keys to the security gate being issued to future occupiers of the dwellings.
- 6.7 **Building Control** – I have looked at the schemes and I don't have any immediate concerns, there is sufficient distance to deal with unprotected area from windows / doors, the layout and access from a fire fighting perspective all appear to work as well.
- 6.8 **Fire** – No objections subject to compliance with all B5: Access and facilities for the fire service.

## 7.0 Legal implications

- 7.1 The legal implications arising from this report are set out below KR/01072021/C

## 8.0 Appraisal

- 8.1 The application site is a piece of redundant land, between an industrial estate and a chalet park, in an area which is predominantly residential, therefore, the principle of residential development is acceptable.
- 8.2 The site also bounds a site which is used for industrial units; therefore, a noise report should be conditioned in order to mitigate against any noise emanating from the units, which could cause disturbance to future occupants of the proposed development.
- 8.3 The site is currently overgrown, with self-set trees and shrubbery. The trees are not worthy of retention, and there is no objection to their removal, subject to a landscaping condition. An ecology report is also positive, with no detriment to wildlife subject to an updated report/conditions.
- 8.4 The indicative layout is considered acceptable with suitable separation distances from surrounding development, with no significant detriment to neighbouring amenities. Other concerns raised from neighbours such as disturbance, fire/gas safety have also been considered. A construction method statement can be conditioned, fire/gas safety would be considered during the building regulation application and Environmental Health have confirmed that they are no concerns.
- 8.5 The chalet park tenants are concerned with respect to access to the "Sewage Pump & Electric Sub Station" The applicant has confirmed that these are located outside of the Planning Application site, adjacent to 'the Rear Garden of Plot 10 & Chalet No. 16'. Full access will be maintained for the Landlord and Utility Company.
- 8.6 The application is for outline permission and access to the site only, with all other matters reserved. The initial application proposed access from Arthur Street, which is a terraced street. This street is already heavily subscribed with existing parking taking place on both sides of the street, making vehicle access to and from the proposed development site difficult. The additional traffic generated by the proposed development would add to these existing concerns of Arthur Street, which was also one of the key objections from neighbouring properties and would also increase the amount of traffic that would be entering/exiting the Arthur Street/Dudley Road junction, which was unacceptable.
- 8.7 The applicant now proposes vehicular access to the site from Cockshutts Lane. This highway currently serves an industrial site, Jewish Burial Ground, and a storage area. The access has gates which can be closed between certain hours, as Cockshutts Lane had been subject to anti-social behaviour and fly tipping in the past.
- 8.8 Highways have confirmed that the security gate can be removed completely with improved street lighting, replaced with a residential form of security gate or retained in its current form. The additional information submitted confirms that the site can be accessed without any significant detriment to pedestrian or vehicular safety. Traffic Regulation Orders would be necessary in order to prevent parking along the access

road, and the vehicular access to Arthur Street to be blocked off, with access for pedestrians and cyclists only these can be conditioned. The access is considered to be acceptable.

- 8.9 Parking is considered to be sufficient for both the new development and the existing chalet park. Owners of the chalet park have objected as they currently use the site for overspill parking. The applicant has confirmed, however, that when the Chalet owners agree to move onto the 'Chalet Site' as a 'Tenant' that they are either designated a 'Parking Space on the Chalet Site' or 'A Garage' ( if one is available ). The Chalet owners do not have permission to park on the site for this planning application, as it is not allowed, therefore, there would be no loss of parking to the Chalet Park.
- 8.10 Neighbours have raised concerns regarding security, fly tipping, and antisocial behaviour within the access area. Gates were erected by the Council in order to mitigate against this type of behaviour. The applicants propose to retain the gate and issue access control 'Keypad and Fobs' for vehicle and Pedestrian gates. A telecom panel to each house and industrial unit for delivery vehicles / post access etc, all of which would need to be conditioned. Therefore, the security for this access would still be in situ, and along with the natural surveillance once the development is completed and occupied, should prevent this type of activity taking place again.
- 8.11 The proposal would trigger the requirement for a contribution to public open space, and affordable housing. Off-Site Public Open Space Contribution £39,560.00 pounds index – linked towards the management maintenance and improvement of the paths and play area at Bromley Street open space or improvements to Graiseley recreation ground or to enhance sports facilities in the city, and at least one of the total number of dwellings to be provided on the development shall be an Affordable Housing Unit.

## **9.0 Conclusion**

- 9.1 Subject to conditions and a Section 106 Obligation the proposal is acceptable and in accordance with the Development Plan.

## **10.0 Detail recommendation**

- 10.1 Grant planning application 20/01584/OUT subject to:

Section 106 Obligation for:

- Payment of £39,560 index-linked for the contribution to public open space;
- One Affordable Housing Unit.

Any necessary conditions to include:

- Contaminated land/Intrusive Site Investigation (Coal/Landfill Gas);
- Noise Report/Mitigation
- Levels survey;
- No more than 13 houses;
- Appropriate pedestrian crossing points on Cockshutts Lane for pedestrian safety;
- External lighting;

- Submission/Implementation of Landscaping;
- Drainage;
- External materials;
- Construction Method Statement;
- Electric vehicle charging points;
- Security Gates with appropriate keys to be issued to occupants;
- Parking, cycle and motor cycle parking;
- Closure of vehicular access to Arthur street, to be used for cyclists and pedestrians only
- Renewables (10%);
- Updated Ecology report & recommendations;
- Street lighting;
- Provision of bat boxes;
- Bat friendly external lighting.
- Traffic Regulation Orders

