



# Planning Committee

## 2 February 2016

<b>Planning application no.</b>	15/01340/FUL	
<b>Site</b>	Land Adjacent To Carder Crescent And Dudley Street, Bilston	
<b>Proposal</b>	Erection of 78 dwellings	
<b>Ward</b>	Bilston East	
<b>Applicant</b>	Kier Living	
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Service Director</b>	Nick Edwards, City Assets	
<b>Planning officer</b>	Name	Jenny Davies
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## 1. Summary Recommendation

### 1.1 Delegated authority to grant subject to:

- Signing of a Section 111/106 agreement
- Additional tree survey work and drainage information
- Tracking details for turning heads
- Amendments to house types and layout
- Coal Authority removing their objection
- Conditions

## 2. Application site

- 2.1 The site is located 3km to the south-east of Wolverhampton City Centre and 300m south of Bilston Town centre. The land is vacant and covered in large areas of poor quality woodland.
- 2.2 The site is split east and west of Carder Crescent. The western site is bounded by housing in Carder Crescent to the south and a large area of open space and woodland to the west. The eastern site is bounded by the Birmingham Canal (a conservation area) to the east and south and west by housing in Carder Crescent, Arlidge Close and Barnett Close.

### 3. Application Details

3.1 The proposal is for 78 dwellings comprised of:-

Type of Unit	Number
4 bedroom	4
3 bedroom	31
2 bedroom	31
1 bedroom apartment	5
2 bedroom apartment	6
2 bedroom bungalow	1
<b>Total</b>	<b>78</b>

The houses are mainly a mix of two and three storey in height and the apartment building located on the southern corner of Carder Crescent and Dudley Street is three storey with parking and private amenity space at the rear.

3.2 New access roads would follow the line of an existing culvert. Pedestrian links through the site would be retained.

3.3 The development would result in the loss of a number of trees across the site.

### 4. 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 Bilston Urban Village: Supplementary Planning Document.

### 5. Publicity

5.1 No objections received.

### 6. Consultees

6.1 Environmental Health - No objections subject to conditions.

6.2 Transportation– No objections subject to tracking details and conditions.

6.2 Housing – the proposed affordable housing mix/tenure is acceptable in principle.

6.3 Police – awaiting comments.

6.4 Coal Authority – objects – further information required to demonstrate that there would be no significant risk to the development posed by mine entries.

## **7. Legal Implications**

- 7.1 The legal implications of this report are set out in paragraphs 8.2 and 8.7 below (LD20012016/A).

## **8. Appraisal**

- 8.1 The principle of residential development is acceptable and in accordance with development plan policies and the development framework in the Bilston Urban Village Supplementary Planning Document.
- 8.2 The proposed layout would not result in any overlooking or loss of privacy to neighbouring properties apart from plots 37 and 38 which would be too close to 5 and 6 Barnett Close and the applicant has been asked to address this. It is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The layout would address the canal frontage and make a positive contribution to the Bilston Canal Corridor conservation area. The house types are contemporary but constructed of traditional materials.
- 8.3 Three corner plots are not acceptable and need amending to reflect their prominent corner location. It is not clear from the proposed layout if large vehicles can turn satisfactorily in front of plots 1 to 4 and plots 44 and 47. Tracking drawings have been requested.
- 8.4 A number of trees would be removed to enable the development. Most of the trees are poor specimens. Further survey work is necessary to determine if additional trees can be retained and thereby limit the loss of trees on the site.
- 8.5 Further information is required to demonstrate that surface water from the site can be managed in a sustainable manner.
- 8.6 The site is heavily constrained by mineshafts, a gas pipeline and culvert. Taking account of these constraints the proposed layout is acceptable subject to those minor changes mentioned above and would be in accordance with UDP policies D3, D4, D5, D6, D7, D8, D9, H6 and HE4.
- 8.7 Because the Council cannot enter into a S106 Agreement both as landowner and local planning authority, to secure planning obligations the Council and the Developer must enter into an Agreement under Section 111 of the Local Government Act 1972. The Section 111 Agreement will require the developer to enter into a S106 of the Town and Country Planning Act 1990 at the same time it takes ownership of the land. The requirement to comply with the planning obligations will take effect when the land transfers to the developer. Affordable housing, management company and a contribution of £30,000 towards the creation of a central area of open space within the urban village will be secured through this legal mechanism. These Section 106 requirements meet the relevant tests and comply with policy requirements.

## 9. Conclusion

- 9.1 Subject to a further tree survey, drainage details and revision of house types and layout and tracking drawings to demonstrate that turning heads are acceptable and a S111/106 agreement, conditions as recommended and resolution of outstanding Coal Authority objection, the proposal would be acceptable and in accordance with the development plan.

## 10. Detailed Recommendation

- 10.1 That the Strategic Director Place be given delegated authority to grant planning application 15/01340/FUL subject to:
- (i) Submission of a satisfactory tree survey, revised house types and tracking details for turning heads;
  - (ii) Resolution of Coal Authority and drainage objection;
  - (iii) Completion of a Section 111 to obligate the developer to enter into a S106 agreement on taking possession of the land to secure:
    - 20 units of affordable housing
    - Off-site contribution of £30,000 for open space
    - Management company
  - (iv) Any necessary conditions to include:
    - Materials
    - Canal towpath improvements
    - Land contamination
    - Drainage
    - Vehicular and pedestrian visibility splays
    - Construction management plan
    - Electric charging points
    - Vibration levels during construction
    - Tree root protection measures
    - Boundary treatments
    - Landscaping
    - 10% renewable energy
    - TRO extension on Dudley Street



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