

Planning Committee

Tuesday, 19 April 2016

Planning application no.	13/00791/FUL	
Site	Sutherland Wharf, Old Heath Road	
Proposal	Residential development including parking and landscaping	
Ward	Heath Town;	
Applicant	Mr & Mrs Bridgewood	
Cabinet member with lead responsibility	Councillor Peter Bilson	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Andy Carter	Senior Planning Officer
	Tel	01902 551132
	Email	andy.carter@wolverhampton.gov.uk

1.0 Summary recommendation:

1.1 Delegated authority to grant subject to a Section 106 agreement.

2.0 Application site

2.1 The site currently operates as a scrap yard. It is bounded by the Wyrley and Essington Canal, Old Heath Road, the Jolly Collier Public House and the Walsall/Wolverhampton goods railway line. The surrounding area is a mixture of employment and residential.

3.0 Application details

3.1 The proposals are for the demolition of the scrapyards and erection of 24 flats (8 one bed and 16 two bed) and five terrace houses (each two bed). Parking spaces would total 29 for the apartments and one space per house. Amenity space would be in front of the apartments towards the canal. Access to the development would be from Old Heath Road.

4.0 Planning history

4.1 Construction of 36 apartments – granted – 23.12.08

5.0 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)

6.0 Consultees

- 6.1 Canal and River Trust, Network Rail and Environmental Health: no objections subject to conditions
- 6.2 West Midlands Police: no objections

7.0 Legal implications

- 7.1 The tests for when section 106 obligations can be required are set out below:
 - (i) necessary to make the development acceptable in planning terms
 - (ii) directly related to the development; and
 - (iii) fairly and reasonably related in scale and kind to the development.(LD/04042016/A)

8.0 Appraisal

- 8.1 The key issues are:-

- Principle of Development
- Layout and amenity
- Transport
- Section 106 Agreement

Principle of Development

- 8.2 The principle of housing on the site is acceptable, and was established by the previous planning consent in 2008. The area to the north of the canal is subject to the Heathfield Neighbourhood Plan which seeks housing renewal and delivery. The proposed development would complement this strategic approach.

Layout

- 8.3 The flats have been designed to achieve a single aspect internal layout; thus negating the noise impact from the industrial activities on the south side of the railway line. There is an area of amenity space in front of the flats which would allow views towards the canal. A further nine flats would front the canal and back onto the five terraced houses. The back to back distance is 12m but this is acceptable due to the flats being single aspect and therefore not creating an issue of overlooking for the houses.
- 8.4 The houses have in curtilage parking and a 55sqm garden meeting SPG3 standards.

Transport

- 8.5 The site is in a sustainable location with easy access to frequent bus services into the city centre and towards Wednesfield. Parking ratios of one space per dwelling plus seven visitor spaces are acceptable. Covered cycle parking for the flats could be secured by condition.

Section 106 Agreement

- 8.6 There is a policy requirement for the following to be secured through a Section 106 agreement:

- Off-site open space contribution - £66,697
- 25% affordable housing
- 10% renewable energy
- Targeted recruitment and training

These requirements meet the legal test for section 106 obligations.

- 8.7 The applicants have submitted a financial viability appraisal demonstrating that the development is not sufficiently viable to fund the normal Section 106 requirements. In this circumstance it is appropriate to waive the Section 106 requirements for renewable energy and open space contribution on a pro-rata basis, for each dwelling that is ready for occupation within three years from the date that the lack of viability was demonstrated.

9.0 Conclusion

- 9.1 Subject to conditions and a Section 106 as recommended, the proposal would be acceptable and in accordance with the development plan.

10.0 Detail recommendation

- 10.1 That the Strategic Director Place be given delegated authority to grant planning application 13/00791/FUL subject to:

- (i) A Section 106 agreement for the following:

25% affordable housing
Targeted recruitment and training

Pro-rata off-site open space contribution and 10% renewable energy provision for all dwellings that are not ready for occupation within 3 years of the date that a lack of viability was established

- (ii) any appropriate conditions including:

- Materials;
- Landscaping;
- Boundary treatments;
- Construction Management Plan including method statement and risk assessment for works alongside operation railway land;

- Acoustic glazing on or at right angles to Old Heath Road for habitable rooms
- Acoustic trickle vents on or at right angles to Old Heath Road for habitable rooms
- Covered cycle parking
- Details of bin store
- Completion of highway works prior to first occupation
- Lighting layout
- Drainage details
- Contaminated land investigation and remediation
- Details of any works within 3m of the canal's offside wall
- Hours of construction;
 - 0800 to 1800 Monday to Friday
 - 0800 to 1300 Saturday,
 - at no time on Sundays or Bank and Public Holidays.

