

Planning application no.	22/00528/OUT	
Site	Land West of 301 Bridgnorth Road, Wolverhampton	
Proposal	Erection of 6no. self-build dwellings with access and amenity areas, creation of children's playground and open space.	
Ward	Tettenhall Wightwick	
Applicant	Mr Richard Sanders	
Cabinet member with lead responsibility	Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Alisha Paul	Senior Planning Officer
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1.0 Summary recommendation

1.1 Refuse planning permission.

2.0 Application site

2.1 Located within the Green Belt, the 1.17 hectare application site is a field located to the south of Bridgnorth Road which is defined by a mature hedgerow. To the east is a detached dental practice, and to the north and west are large detached dwellings in extensive plots. Wightwick Manor and Gardens (Grade I and II listed) is also located directly opposite.

2.2 The site is located in the Tettenhall Neighbourhood Plan area, and it forms part of Smestow Brook Flood Plain and a wider SLINC area (Sites of Local Importance for Nature Conservation). The southern part of the site lies in Flood Zone 3.

3.0 Application details

3.1 This is an outline planning application with only access and layout for consideration, with all other matters reserved. The application proposes the development of six self-build dwellings with associated parking, access and landscaping, and the creation of a

children's playground and open space. Pedestrian and vehicle access is proposed from Bridgnorth Road.

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)
- Tettenhall Neighbourhood Plan (TNP)

5.0 Publicity

5.1 The application was advertised by direct neighbour notification, a local newspaper advert and a site notice.

5.2 37 objections were received for this application, the comments are summarised as follows:

- Proposed development would exacerbate existing flooding issues
- Harmful impact to landscape, ecology, wildlife, habitats, and protected species
- Harmful impact to the SLINC (Sites of Local Importance for Nature Conservation)
- Increase in road traffic, congestion and associated noise
- Harmful impact to highway safety
- Harmful impact to the open character of the area
- Inappropriate development in the Green Belt
- Harmful impact to the character of Wightwick Bank Conservation Area (adjacent to site)
- Harmful impact to character and setting of Wightwick Manor & Gardens (listed buildings and curtilage)
- Contrary to the policies of the development plan and the NPPF
- Design and setting of proposed dwellings are out of character with the local area
- Harmful impact to outlook and views of Green Belt land
- Harmful impact to the street scene
- Fear of crime

6.0 Consultees

Internal

6.1 Highways – No objections, subject to conditions.

6.2 Archaeology and Historic Environment – No objections, subject to conditions:

A programme of archaeological work shall be undertaken, to ensure that any archaeological remains affected by the development are identified and recorded prior to the commencement of development. This would likely comprise desk-based assessment and trial trench evaluation in the first instance, then additional mitigation if required, dependent on results.

6.3 Landscape and ecology – Comments received, summarised below:

The planning application should be accompanied by a Preliminary Ecological Appraisal or similar report prepared by a qualified ecologist and any other follow up ecological survey work recommended as a result of the initial survey and report before consideration is given to the application by the local planning authority. This is to ensure that the conservation status of protected species is not adversely affected by the proposed development.

External

6.4 Historic England – comments received:

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

6.5 Canal and River Trust – comments received:

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

6.6 The Wildlife Trust – Objection and comments received, summarised below:

The proposed development site is a Site of Local Importance for Nature Conservation (identified as Land off Bridgnorth Road SLINC – WV003), which forms part of the wider Smestow Valley SINC/ SLINC complex.

The development represents a proposal which will negatively impact upon Land off Bridgnorth Road SLINC and, by extension, the wider Smestow Valley SINC/ SLINC complex.

Therefore, we would like to formally object to the proposed development, on the grounds that its approval would be contrary to Policy ENV1 of the Black Country Core Strategy.

6.7 National Trust – Comments received, summarised below:

The application site is close to Wightwick Manor and its gardens. The entrance to Wightwick Manor is located immediately to the north east of the site. Views of the application site from the property itself are limited. However, views are possible from parts of the Grade II registered gardens, especially in winter when the tree cover is at its thinnest. The Wightwick Bank Conservation Area Appraisal has identified that these

views to the south of the registered park and garden are 'affected by seasonal changes to tree cover' (p25).

The application site is also alongside the Wightwick Bank Conservation Area, of which Wightwick Manor is part. Other heritage assets in the area include Grade II listed Netherton House (not National Trust) which neighbours Wightwick Manor. Views from the conservation area cross the site to the open land of the Smestow Valley beyond. These views and those along Bridgnorth Road are green and have a very rural atmosphere considering the proximity to Wolverhampton. The proposed development would diminish this rural character through the loss of the large open gap. The erection of six dwellings along this part of the Bridgnorth Road would result in an urbanisation of this area.

We consider that this urbanising effect would harm the character and appearance of the Wightwick Bank Conservation Area and the setting of the registered historic garden of Wightwick Manor. Both are designated heritage assets, as is Netherton House. The National Planning Policy Framework recognises that heritage assets are an irreplaceable resource. It requires great weight to be given to the conservation of designated heritage assets. Any harm to them requires clear and convincing justification.

6.8 Lead Local Flood Authority – No objections, subject to conditions:

We have reviewed Flood Risk Assessment SAW-BML-XX-XX-RP-C-0500, dated 22 June 2022. All planned development has been limited to Flood Zone 1. However, all finished floor levels should be set at 600mm above the 20% climate change event. This is in order to provide resilience for the lifetime of the development.

Smestow Brook Node point SM4 8900 details a level of 94.783mAOD @ the 100 year CC level. Subsequently, finished floor levels should be set to a minimum of 95.383mAOD.

7.0 Legal implications

7.1 There are no legal implications arising from this report. (SE/12052023/E)

8.0 Appraisal

8.1 The main issues for consideration are:

- Principle of development in the Green Belt
- Impact on ecology
- Impact on the character and setting of Wightwick Manor and Gardens
- Impact to highway safety
- Residential Amenity
- Flooding

Principle of development in the Green Belt

Whether inappropriate development

- 8.2 Paragraph 147 of the National Planning Policy Framework, states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 149 of the National Planning Policy Framework states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” unless they meet the exceptions. In this case, the proposed development does not meet the exceptions and is therefore, by definition, inappropriate development in the Green Belt.
- 8.3 Paragraph 148 of the National Planning Policy Framework states that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

Effect on openness

- 8.4 The Government attaches great importance to Green Belts. Paragraph 137 of the National Planning Policy Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.5 The application site is approximately 1.17 hectares of verdant undeveloped land and features a mature hedge boundary along Bridgnorth Road which visually creates a more rural character. The creation of new dwellings on this site would harm the openness and rural character of the area, and harm the uninterrupted views of the Green Belt. The proposal is therefore contrary to the fundamental aim of Green Belt policy which seeks to permanently maintain the openness of Green Belt land. The proposal is contrary to BCCS Policies CSP2 and ENV1, UDP Policies G2 and D6, and Tettenhall Neighbourhood Plan Policies TNP13 and TNP14 Part A.

Very special circumstances

- 8.6 Whilst the Supporting Statement does not specifically mention ‘very special circumstances’ there are a number of suggested benefits of the proposed development stated including:
- Improving the biodiversity of the site through planting
 - Respect the historic pattern of development
 - Improve the visual appearance of this small section of the approach into Wolverhampton
 - Contribute to the current housing provision shortfall
 - Provide much needed self-build plots
 - Site is in a sustainable and easily accessible location
 - It will provide an attractive public open space and a much-needed children’s play area

- 8.7 The benefits of the proposed development suggested in the Supporting Statement above would not justify the harm caused to the Green Belt and would not constitute 'very special circumstances'. The proposal is therefore inappropriate development in the Green Belt and contrary to NPPF policies, UDP Policy G2, and BCCS Policy ENV1.

Impact on the character and setting of Wightwick Manor and Gardens

- 8.8 Comments were received from the National Trust with regards to the impact of the proposed development on Wightwick Manor and Gardens. Wightwick Manor is a Grade I listed building within a Grade II listed garden in the Wightwick Bank Conservation Area.
- 8.9 Concerns were raised about potential views of the application site from parts of the gardens, particularly in winter where there is reduced foliage from tree cover. The views of the application site and Green Belt have a strong green and rural character which would be eroded by the proposed development and result in the loss of the large open gap.
- 8.10 Tettenhall Neighbourhood Plan Policy TNP12 Part B states that important views can be seen from prominent locations such as Wightwick Manor and "due to the suburban feel of the area a number of trees individually and collectively enhance the setting of historic buildings and help frame views. It is important that the qualities of such views within the area are not eroded." The proposal would therefore fail to preserve or enhance the character and appearance of the Wightwick Bank Conservation Area and setting of listed buildings.
- 8.11 The proposed layout shows the hedgerow which dominates the northern boundary of the site along Bridgnorth Road being removed and replanted set back from the boundary adjacent to Bridgnorth Road. This would further erode the rural character of the area and character and setting of Wightwick Bank Conservation Area.
- 8.12 As the development neither preserves or enhances the character and appearance of the conservation area and the setting of listed buildings, the development would be contrary to saved UDP Policies D6, HE5, AND BCCS Policy ENV2.

Impact on ecology

- 8.13 Limited information has been provided in regard to ecology in the Supporting Statement (received on 16 Jan 2023), which identifies that there is evidence of protected species occupied near the site which will require consideration within the development proposal and the hedgerow is classed as a BAP Priority Habitat. The proposal would result in the loss of part of the hedgerow along this boundary which would not only erode the rural character of the area, but also remove part of a BAP Priority Habitat. The Supporting Statement identifies that an ecological survey is required in order to identify areas to be retained due to their ecological importance and mitigation for habitats that will be lost.

- 8.14 The planning application is not accompanied by a Preliminary Ecological Appraisal or similar report or any other follow up ecological survey work recommended as a result of the initial survey. Furthermore, the application site is part of a wider Site of Local Importance for Nature Conservation (SLINC) and as such the developers are required to submit an ecological impact assessment to accompany the proposal. Development which may have a harmful effect on the nature conservation value or integrity as a wildlife corridor of SLINC would only be permitted in exceptional circumstances where the benefits generated by the development would clearly outweigh nature conservation considerations. Exceptional circumstances have not been demonstrated in this case.
- 8.15 As insufficient information has been provided, the application has failed to demonstrate that the proposed development will not adversely affect the important ecology and conservation status of protected species and habitats. The proposal is therefore contrary to saved UDP Policy D12, BCCS Policy ENV1 and Tettenhall Neighbourhood Plan Policy TNP13.

Impact to highway safety

- 8.16 Neighbour objections included concerns about impacts to highway safety and an increase in traffic as a result of the development. Given that satisfactory off-street parking provision could be provided for future occupiers of the dwellings, no objections were received from the Local Highway Authority, subject to conditions. However, details such as appropriate vehicle visibility splays have not been submitted. As stated in paragraph 8.11 the layout plan shows that extensive hedgerow removal would need to take place in order to provide satisfactory visibility splay. Whilst this may provide a safe access it would result in significant harm to the character and cannot therefore be supported in any case.
- 8.17 Comments from the Local Highway Authority include:
- “It is assumed that the proposed visitor parking spaces are for people who live outside of the proposed development and are visiting the adjacent New Playground. However, it has to be acknowledged that this visitor parking could be used by the residents of the proposed development.”
- 8.18 The visitor parking area is not defined and neither is it strictly prohibited by use of occupiers of the new dwellings. The Supporting Statement (received on 16 Jan 2023) suggests that this play area will support the local community in Tettenhall, therefore could generate parking demand. Overprescribed parking within the six bays in the visitor parking area is likely to result in overspill parking within the access road which could cause an unacceptable highway impact.
- 8.19 The planning application lacks sufficient detail regarding parking for the playground and public open space, appropriate access and vehicle visibility splays and could therefore

have a harmful impact on highway safety and is contrary to saved UDP Policies AM12 and AM15, and BCCS Policy TRAN2.

Residential Amenity

- 8.20 In principle the proposed location and layout of the dwellings are sufficient distances away from neighbouring dwellings so as to not cause any adverse impacts to their amenities. Any future reserved matter application would detail the scale of the proposed dwellings, position of windows and internal layouts and this would need to be duly considered at that stage.

Flooding

- 8.21 The Environment Agency has reviewed the flood risk assessment and has confirmed that the residential development is largely limited to Flood Zone 1 (i.e. the lowest risk of flooding). Advice is given on the finished floor levels to provide flood resilience for the lifetime of the development.
- 8.22 The southern boundary of the site is in Flood Zone 3 (i.e. most at risk of flooding) and the land is prone to regular flooding. The introduction of a significant footprint of permanent development in this site could increase the risk of flooding. A proposed drainage strategy should be submitted as recommended in the flood risk assessment. Therefore, it cannot be ascertained as to whether the proposal will exacerbate existing flooding issues on site and whether appropriate mitigation measures would alleviate these issues, contrary to BCCS Policy ENV5.

9.0 Conclusion

- 9.1 The development would result in inappropriate development within the Green Belt and would introduce a significant footprint of permanent development at this site, eroding its open character. No very special circumstances have been demonstrated to outweigh this harm. The development would not preserve or enhance the character and appearance of the conservation area or the setting of listed buildings. Furthermore, insufficient information has been submitted regarding ecology, highways and drainage. Therefore, the proposal would be contrary to the development plan as a whole.

10.0 Detail recommendation

- 10.1 Refuse planning permission for the following reasons:
- The proposed development constitutes inappropriate development in the Green Belt.
 - The development would adversely impact the openness and rural character of the area.
 - The proposed development would adversely impact views from Wightwick Manor and Gardens and would therefore adversely impact the character and setting of the listed

buildings and would harm the character and appearance of the Wightwick Bank Conservation Area.

- A Preliminary Ecological Appraisal has not been provided. The application has therefore failed to demonstrate that the proposed development will not adversely affect the important ecology and nature conservation of protected species and habitats.
- The planning application lacks sufficient detail regarding parking for the playground and public open space, appropriate access and vehicle visibility splays and could therefore have a harmful impact on highway safety.
- Without the provision of a proposed drainage strategy as recommended in the flood risk assessment it cannot be ascertained as to whether the proposal will exacerbate existing flooding issues on site and whether appropriate mitigation measures would alleviate these issues.

