

Planning application no.	22/01049/OUT	
Site	Land Behind 2 To 30 Eccleshall Avenue, Wolverhampton,	
Proposal	Proposed Residential Development for One Dwelling (Outline Permission)	
Ward	Oxley;	
Applicant	Mr Poonia	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
	Tel	01902 555641
	Email	tracey.homfray@wolverhampton.gov.uk

1.0 Summary recommendation

- 1.1 Delegated Authority to Grant, subject to the completion of a Unilateral Undertaking for the Cannock Chase SAC and conditions.

2.0 Application site

- 2.1 This application site is a part of a triangular parcel of land which is nestled behind properties, fronting Eccleshall Avenue, Churchfield Road, and Beech Road. The land is accessed off Eccleshall Avenue, via an existing vehicular/pedestrian access. The land has been divided off into segments, some of which have garages and sheds. There is a National Grid Sub Station located along the shared access. The surrounding area is predominantly residential.

3.0 Application details

- 3.1 This is an outline application for one five-bedroom detached dwelling, accessed via the existing shared vehicular/pedestrian access. Matters for approval are access, layout and scale. Landscaping and appearance are reserved matters.

4.0 Planning History

4.1 This is a resubmission of the same application which was refused at Planning Committee on 16 November 2021 for the following reasons:

1. The proposed access to the proposed development is inadequate to support a development of this nature, having a detrimental impact to highway and pedestrian safety. The proposal would therefore be contrary to policies H6, AM12 and AM15.
2. Western Power have a network along the access drive, off Eccleshall Road. The proposed development will increase traffic over the underground cables to the detriment of the integrity and security of this network, and the ability to maintain supplies. Contrary to Policy H6, AM12, AM15.

4.2 This application has been resubmitted with some additional detail, to address the above concerns, and for the applicant to appeal the decision should it be refused.

5.0 Relevant policy documents

5.1 National Planning Policy (NPPF)

5.2 Black Country Core Strategy (BCCS)

5.3 Wolverhampton Unitary Development Plan (UDP)

6.0 Publicity

6.1 The application was advertised by direct neighbour notification and local newspaper advert.

6.2 A representation was received from Councillor Susan Roberts MBE, who supports the constituents in their objection to the proposal which are summarised as follows:

- The access to the site is completely unacceptable to the residents who live in the road opposite the entrance to site.
- If there was a fire at the new build it would cause major problems.
- The site need a road trough and i do not believe there is adequate space to do this from. the entrance.
- If this build is allowed to happen it will cause major disturbance to the residents of the area.
- This build is in entirely the wrong place and will impact of the daily lives of the residents of the area.

6.3 A representation was received from ward Councillor Barbara McGarrity, who supports the constituents in their objections to the proposal which are summarised as follows:

- Out of Keeping/Character
- Loss of Privacy Overlooked
- Reduce Value of properties
- Disturbance to Wildlife
- Access to narrow

- Sub Station negates the proposal to build
- Land to be developed is a dumping ground
- Sets a precedent for further applications

6.4 31 letters of objection:

- Highway/Pedestrian Safety due to the narrow nature of the access and surrounding highway, impacting on access and parking
- Access to long with respect to refuse collection
- Disruption to neighbouring properties, noise from traffic and building
- Loss of Privacy
- Loss of outlook
- Loss of light/sunlight
- Increase in volume of traffic
- Impact on the character of the residential area
- Loss of Natural Beauty/Wildlife
- Restrict Access to Other Parcels of Land
- Provides Security/Access to neighbouring properties
- Greenfield not Brownfield
- Out of character as all properties are semidetached no detached properties, mostly 2 storey/3bed
- Access not wide enough especially for larger vehicles – Problems with fire service etc
- Access/Egress on Eccleshall Avenue not wide enough, risk to damage of cars parked on the highway
- Insufficient access to drainage/electricity
- Health/Safety to uses of the access and deliveries on the highway during development
- Sets precedent for further development to other plots
- Loss of secured gate and allowing unauthorised access to neighbouring properties
- Mental wellbeing of isolated dwelling
- Property breaks Wolverhampton Planning guidance specifications
- Security issues with open access to vital Mains substation and access to rear of residential gardens
- Disturbance to those with ill health
- Highway/Pedestrian safety due to the narrow nature of the access
- Devaluation of existing dwellings due to introduction of unwanted development
- Disruption to neighbouring properties, noise from traffic and building work
- Increase in volume of traffic on long gravel path
- Breach of restrictive covenants in place since estate was developed in 1934
- Anti-social behaviour
- Unacceptable future uses, HIMO, Bail Hostel
- Insufficient amenity for proposed dwelling
- Jeopardize sales of other properties
- Damage to properties during construction

7.0 Consultees

7.1 Transportation – No Objections subject to conditions.

7.2 Coal – No Objection

7.3 National Grid (Previously known as Western Power) – No Objection Subject to Condition:

As discussed, our focus is on protecting the integrity and security of our distribution network. However, we do now appreciate that it may be more appropriate to undertake the impact review we are suggesting is necessary once there is more certainty associated with the proposed development.

This is the condition that we would propose:

No development shall commence until investigative works to determine the potential impacts of the development on National Grid (Electricity Distribution (Midlands) Plc's electricity apparatus have been carried out and a report detailing such investigative works and any resulting recommendations has been submitted to and approved in writing by the Local Planning Authority. In the event that the report identifies the need for mitigation works or measures to protect the apparatus, no development shall commence until a methodology for carrying out such works or measures, including a timetable for completion thereof, has been submitted to and approved in writing by the Local Planning Authority. The mitigation works or measures shall then be implemented and completed strictly in accordance with the approved methodology, including the timetable for completion set out therein.

7.4 Ecology

The Report is satisfactory and no further Ecological Assessments or Surveys are required before consideration is given to granting outline planning consent. The recommendations on Mitigation and Enhancements contained in the Assessment should be followed by the developer. Detailed hard and soft landscaping plans will be required.

8.0 Legal implications

8.1 There are no legal implications arising from this report SE/30062023/C

9.0 Appraisal

9.1 The key issues in this case are urban design, highway/pedestrian safety and the impact on neighbours' amenities, wildlife, and utilities.

Urban Design

9.2 The surrounding area is predominantly residential; therefore, the principle of residential development is acceptable.

- 9.3 The triangular piece of land has been divided up and owned by separate people, some of the land is used for garages, storage and parking of vehicles, one parcel of land has been left unattended, to overgrow naturally, another appears to be used for some form of commercial activity. Therefore, there is no formal designation for these private parcels of land. The garages adjacent to the application site, are now within the ownership and in control by the applicant.
- 9.4 The layout displays a large detached property, located along the western boundary of the plot adjacent, an overgrown parcel of land. The layout provides a sufficient amount of private garden land and parking to support the proposed dwelling and its occupants. Access to the dwelling would be along a shared access drive. The layout would have no detrimental impact on the established pattern of development, so would therefore, be in keeping with the character and appearance of the surrounding area.

Highway Safety

- 9.5 The existing access, is currently used by both pedestrians and vehicles, in connection with the various parcels of land and their usage. The development, which would be for one five bedroom dwelling, should not generate an increase in vehicle trips that would have a significant impact on Eccleshall Avenue or the wider highway network. Therefore, the access would be suitable for a residential development of this size.
- 9.6 Access for larger vehicles during the development stage would be difficult. This is due to the narrow nature of the access. However, this could be addressed by condition for a "Construction Method Statement", which would be submitted for assessment/release. The statement would need to address access, by submitting a plan of action, which would prevent any larger vehicles accessing the site, protecting the access. The agent has confirmed that all deliveries would have to be made by suitable smaller vehicles which currently access the site. They have also suggested a "Banksman" at the entrance to the site to supervise access, in relation to Eccleshall Avenue, and to organise deliveries outside peak hours.
- 9.7 The volume of traffic associated with a dwelling of this size, would not be significantly different to the level of traffic which currently exists, on the access to this site. National Grid do have concerns, however, after considering the application detail and dialogue with the applicant, they are now in a position to support the proposal, subject to the inclusion of a condition which would need to be addressed prior to any development taking place. The condition would require any necessary investigations/mitigation measures, in order to protect their apparatus etc.
- 9.8 Without physical changes to the existing access, any vehicle larger than a Transit Van type vehicle would be unlikely to enter \ exit the access road, especially if \ when cars are parked on Eccleshall Avenue. This would need to be considered by any future residents \ occupiers. The access road is private, but it should be constructed so that mud and dirt are not brought out onto the highway network. Therefore, suitable replacement surfacing for the access road would be necessary, especially in light of the concerns raised by National Grid, this can be conditioned as part of the decision.

- 9.9 With reference to Refuse Vehicles, and Fire Service, accessing the site. This can also be addressed, by residents putting their own bins out for collection on Eccleshall Avenue, which is normal practice for surrounding dwellings, and in the case of a fire, internal sprinkler systems can be incorporated into the design as part of the building regulation application.

Neighbour Amenities

- 9.10 The proposed dwelling would be located adjacent to the western boundary with a neighbouring parcel of land and set in from the boundaries with neighbouring residential gardens. Although the dwelling would be clearly apparent, from neighbouring properties, due to the detachment from the boundaries, and a suitable window to window relationship, the development would not appear overbearing or oppressive. Restrictions, for future development could also be conditioned in order to protect neighbouring amenities.
- 9.11 Neighbours have raised concerns over disturbance during development, and from vehicles accessing the site, along with security. Disturbance during development can be conditioned, so that development takes place during suitable times of the day. Vehicle movement generated by a property of this size, would not be significantly different to what currently exists, so there would be no excessive increase in disturbance from vehicles approaching or leaving the site. With respect to security, the site is currently accessed by owners of the site, and possibly other members of society. Development would be enclosed by suitable boundary treatment, preventing direct access, and once occupied the development would also provide natural surveillance, providing further security.
- 9.12 The development site is currently an untidy piece of land, and on the previous application some neighbours welcomed development, as it would tidy the area up, and prevent vermin. It is hoped that once development is completed, it would deter any antisocial activity taking place, in the vicinity.
- 9.13 Concerns have been raised with respect to covenants on the land and rights of access. These are private issues to be addressed between the parties concerned, and are not material considerations with respect to planning applications.

Wildlife

- 9.14 Wildlife has been considered via the submission of an Ecological Appraisal dated 6 January 2021, subject to the recommendations on Mitigation and Enhancements contained in the Assessment, being carried out by the developer, there would be no detriment to the wildlife in this area. The Mitigation/Enhancements can be conditioned as part of the proposal, including any updates to them.

Unilateral Undertaking

- 9.15 A new Cannock Chase Special Area of Conservation (SAC) planning contributions system came into effect on 1 April 2022. This requirement sits under Policy ENV1: Nature Conservation of the adopted Black Country Core Strategy, which states that: “Development within the Black Country will safeguard nature conservation inside and outside its boundaries by ensuring that development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites”

“The development of housing with its associated population growth may lead to indirect adverse impacts on Cannock Chase SAC. This is likely to be caused by increased visitor activities on Cannock Chase and is the subject of ongoing research. Depending on the outcome of this research, development plans and proposals may be required to demonstrate appropriate and proportionate measures sufficient to avoid or mitigate significant identified adverse impacts. Guidance may be given through subsequent local development plan documents.”

As the site falls within the zone for mitigation measures, a financial contribution would be required, with a payment of £290.58 per home and is non-negotiable, even for reasons of viability. This is because mitigating harm to SACs is a legal requirement. The contribution will increase in line with inflation each 1 April.”

10.0 Conclusion

- 10.1 The application has satisfactorily demonstrated that the development can be accommodated, without any significant detriment to the character/appearance of the area, highway/pedestrian safety, neighbouring amenities, and wildlife. Therefore, subject to the Unilateral Undertaking for the Cannock Chase SAC and inclusion of conditions, the proposal is acceptable and in accordance with the Development Plan.

11.0 Detail recommendation

- 11.1 Delegated Authority to Grant Planning Permission subject to the following:
- Completion of a Unilateral Undertaking for a financial contribution of £290.58 for the Cannock Chase SAC.
- And
- Any necessary conditions to include:
- Submission and Implementation of landscaping

- Sustainable Drainage
- Levels
- Boundary Treatment
- Tree Protection
- Materials
- External Lighting
- Parking provision as shown, and to be provided before occupation/and maintained as parking
- Turning Area as Shown and to be provided before occupation/and maintains as a turning area.
- Electric Charging Points and to be provided before occupation.
- Hours of Operation During Construction
- Construction Management Statement
- Restrict future development.
- Nation Grid Investigation/Mitigation

