

Planning Committee

Tuesday, 14 November 2017

Planning application no.	17/00915/FUL	
Site	Land adjoining 126 Church Road, Wolverhampton	
Proposal	Residential development consisting of the erection 29 new dwellings in total	
Ward	Graiseley	
Applicant	Mr Nouredine Elbakkali	
Cabinet member with lead responsibility	Councillor John C Reynolds Cabinet Member for City Economy	
Accountable Director	Keren Jones, Service Director, City Economy	
Originating service	Planning	
Accountable employee	Tracey Homfray	Planning Officer
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1.0 Summary recommendation

1.1 Delegated Authority to Grant.

2.0 Application site

2.1 The application site was previously a Garden Centre, closed for some years, and is located to the rear and side of 126 Church Road. It is a relatively flat piece of land, with boundary trees and foliage, around the perimeter. The area is predominantly residential. There is a park and tennis courts south west of the site.

3.0 Planning History

3.1 17/00387/FUL for 29 dwellings refused by Planning Committee on 10 January 2017 for the following reasons:

- Overdevelopment of the site
- Poor Impact on neighbouring amenity

4.0 Application details

4.1 This application proposes:

- one four-bedroom detached house;
- two three-bedroom semi-detached houses;
- 14 three-bedroom semi-detached houses with single garage;
- four three-bedroom semi-detached dormer bungalows;
- two two-bedroom semi-detached bungalows;
- six three-bedroom terraced houses with integral garages.

4.2 The proposal differs from that previously refused:

- dwellings along the north-western boundary with Lutley Close have been moved further away from the boundary, from between 1.5m to 3.5m to between 3m to 4.5m;
- two of the former dormer bungalows closest to the boundary with Lutley Close, are now bungalows (with no first floor) with height reduced from 6.4m to 5.2m;
- a Transport Statement has been provided, which seeks to address concerns regarding the impact on the surrounding highway network, parking and drainage.

5.0 Relevant policy documents

5.1 National Planning Policy Framework (NPPF)

5.2 Wolverhampton Unitary Development Plan (UDP)
Black country Core Strategy (BCCS)

6.0 Publicity

6.1 18 objections received summarised as follows:

- Too close to boundary
- Impact on parking and traffic
- Impact on recreational ground
- Detrimental to wildlife
- Loss of trees
- Disturbance/noise
- Drainage
- Loss of outlook and view
- Loss of privacy
- Overdevelopment
- Out of scale and character
- Visually obtrusive

7.0 Consultees

7.1 Transportation – no objections subject to conditions.

- 7.2 Ecology – The Preliminary Ecological Survey was satisfactory.
- 7.3 Coal Authority – Standing Advise Informative Note required.
- 7.4 Severn Trent – No objection.
- 7.5 Environmental Health – No objection subject to a site investigation condition.
- 7.6 Police – Concerns with security between the development and the park, suggested wall, railings or alternative layout.

8.0 Legal implications

- 8.1 There are no legal implications arising from this report [KR/06112017/A].

9.0 Appraisal

- 9.1 Principle of Development – The application site was a former garden centre, which closed some time ago. The surrounding area is predominantly residential; therefore, the principle of residential development is acceptable.
- 9.2 There is a development plan policy requirement for:
 - 25% affordable housing
 - 10% renewable energy generation
 - 29 electric vehicles charging points
- 9.3 The applicant is seeking a reduction in Section 106 contributions on the grounds of a lack of viability and has submitted a viability appraisal which is currently being assessed by the District Valuer. If a lack of viability is demonstrated, this would justify a commensurate reduction in Section 106 requirements.
- 9.4 Layout – The proposed layout is acceptable, with sufficient private amenity space, parking, and a satisfactory orientation. Plots 4 to 9, have been slightly reconfigured, due to concerns raised by neighbouring properties in Lutley Close, and have been moved further away from the boundary ranging from 3 - 4.5m. The closest two dwellings to the boundary have also been changed in type to bungalows to reduce the overall height. The dormer type dwellings, would have no habitable windows to the rear, only one small obscurely glazed and fixed bathroom window. The boundary between the park and the development would be defined by a 3m high fence, to mitigate possible disturbance from the park, and for security.
- 9.5 Ecology – The badger set has been abandoned. If planning permission is granted a condition would require the developer to follow the recommendations of the Ecology Report.

- 9.6 Trees – Trees and hedgerows are to be maintained along the southern and western boundary.
- 9.7 Neighbours Amenity – Although the development would be clearly visible from neighbouring properties and gardens, the development has been suitably positioned and designed, so as to have no significant impact on neighbouring amenity such as outlook, light, sunlight or privacy. Proposed plots 4 to 9 would have their permitted development rights removed, due to the restricted size of the plots and to protect neighbour's amenity from any future development.
- 9.8 The amenities of future occupants would also need to be protected, with acoustic boundary treatment between the neighbouring church, to mitigate any possible disturbance from noise, and a rise in height to 3m along the park boundary for additional security.

10.0 Conclusion

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

11.0 Detail recommendation

- 11.1 That the Service Director, City Economy be given delegated authority to grant planning application 17/00915/FUL subject to:
- i. An updated Ecology Report.
 - ii. If the development is financially viable, a Section 106 agreement for:
 - 25% affordable housing (12 flats)
 - 10% renewable energy generation;
 - 29 electric vehicles charging points.
- or:

If the development is not financially viable, a reduction in Section 106 requirements commensurate with the shortfall in viability on a pro-rata basis for all flats that are ready for occupation within three years of the date that a lack of viability is demonstrated, and the full Section 106 requirements applying on a pro-rata basis to all flats that are not ready for occupation within three years of that date.

- iii. Any necessary conditions to include:
 - Contaminated land/site investigation
 - Submission and implementation of landscaping
 - Sustainable drainage
 - Implement recommendations of Ecology Report
 - Levels
 - Tree protection

This report is PUBLIC
[NOT PROTECTIVELY MARKED]

- Materials
- External lighting
- Acoustic fencing
- Removal of permitted development rights plots 4 -9
- Visibility
- Parking provision as shown
- Prohibit conversion of garages
- Turning area as shown
- Hours of operation during construction
- Site investigation

