



Planning Committee

20 January 2015

Planning application no.	14/01291/FUL
Site	229 and 231 Penn Road, Penn
Proposal	Apartment development (38 flats)
Ward	Penn
Applicant	McCarthy and Stone Retirement Lifestyles Limited
Agent	The Planning Bureau Limited
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Strategic Director Place
Planning officer	Name Phillip Walker Tel 01902 555632 Email phillip.walker@wolverhampton.gov.uk

1. Summary Recommendation

- 1.1 Delegated authority to grant subject to conditions and a section 106 agreement.

2. Application site

- 2.1 The application site is 0.4 hectares and located 1.5 miles south of the City Centre on the eastern side of the Penn Road. On the site are two detached bungalows set back from the road behind trees, three of which are protected by Tree Preservation Orders. To the north are houses on the Penn Road and the rear gardens of housing on Witton Road. To the east, are the rear gardens of housing on Goldthorn Crescent and to the south, are the rear gardens of housing on Alexandra Road.
- 2.2 There is not a regular building line in this part of Penn Road. The houses to the south are set back only 5m from the back edge of footway, while the bungalows on the application site are set back 40m and the houses to the north set back 35m and 25m.

3. Application Details

- 3.1 The application proposes the demolition of the bungalows and the erection of an apartment building including 38 one, two and three bedroomed flats. The building would be set back from the road behind the existing trees and a car park with 30 parking

spaces. A stepped front building line is proposed. To the rear, the building would project 37 metres beyond the house to the north (no.229A Penn Road) but it would narrow along its central axis away from the side boundaries. Looking from the road, the left hand side of the building would be two and two and a half storeys, rising to four storeys in the middle and reducing to three storeys on the right hand side. To the rear the building would reduce to three storeys.

- 3.2 The supporting statement says that the apartments would likely be for people of retirement age who are seeking independent living accommodation.

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 Other relevant policy documents:

5. Environmental Impact Assessment Regulations

- 5.1 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

- 6.1 Four letters of support and two letters of objection have been received.

Supporting comments as follows:

- Apartments, particularly for older people are needed in Penn
- This is a good location for apartments, sited nearby to bus stops, shops and a library
- The proposals will benefit local shops
- The proposal is in keeping with the area, and takes account of the amenities of the occupier at 229a Penn Road
- The proposal will be tastefully built and improve the aspect of the area

Objections

- Overdevelopment
- Insufficient shared amenity space
- Loss of trees
- Appearance, site coverage, scale and massing out of character
- Detrimental to neighbour amenity - overlooking and loss of outlook
- Insufficient car parking provision leading to on-street parking
- Detrimental to traffic flow and safety

7. Internal Consultees

- 7.1 Transportation, Landscape & Ecology and Environmental Health – No objection.
- 7.2 Trees – No objection subject to tree protection measures, including no dig excavation method for the car parking bays nearest to the three protected trees along the Penn Road frontage.

8. External Consultees

- 8.1 Severn Trent Water Ltd - No objection subject to conditions relating to the submission of sustainable drainage details including an assessment of the hydrological and hydrogeological context.

9. Legal Implications

- 9.1 Planning obligations must comply with the following tests:
- (i) they must be necessary to make the development acceptable in planning terms
 - (ii) they must be directly related to the development and
 - (iii) they must be fairly and reasonably related in scale and kind to the development (LD/07012015/A)

10. Appraisal

- 10.1 The key issues are:-
- Siting and scale
 - Impact on neighbours amenity
 - Impact on trees
 - Shared private amenity provision
 - Access and parking
 - Section 106 requirements

Siting and Scale

- 10.2 Although the building would be higher than those in the immediate vicinity, because it would be set back from the road behind existing trees it would not be unduly prominent in the street scene. The stepped front building line would bridge the gap between the established building lines to the north and south.

- 10.3 The building would extend into the existing garden area to the rear but this would be acceptable because of the substantial garden space in which it would sit.

Impact on neighbours amenity

- 10.4 The proposed siting of the building takes account of the positions of windows in the side of the neighbouring house, 229A Penn Road, and the building steps away from the side boundary and the roof line is lowered, to avoid an overbearing impact. The

owner/occupier of 229A has written in support of the application. They say that the proposal has taken into account their needs particularly because of the removal of an existing tree which restricts light to their side windows and also because the plans were amended to include a lower roof height at the front and side of 229a

- 10.5 The south facing side wall of the building would be a minimum of 21 metres from the rear of houses on Alexandra Road, with no upper floor habitable room windows in the upper floors. Therefore, there would be no overbearing affect or material loss of privacy to the occupiers of those houses.
- 10.6 The upper floors of the north facing elevation of the building include hall windows. A condition can require that these windows are obscurely glazed and fixed closed.

Impact on Trees

- 10.7 The three trees protected by TPO on the Penn Road frontage are to be retained. Although there would be some tree removal, particularly to the rear of the site, this would not be unacceptable.

Access and Parking

- 10.8 There is sufficient car parking provision to meet expected demand and the access off Penn Road is acceptable.

Section 106 requirements

- 10.9 There is a policy requirement for the following to be secured through a Section 106 planning obligation:
- £99,137 off-site open space contribution to be spent on improvements to Windsor Avenue open space
 - 25% affordable housing
 - Targeted recruitment and training
 - Management company
- 10.10 The applicant is seeking a reduction in Section 106 obligations on the grounds of a lack of viability.
- 10.11 It would be appropriate to reduce the Section 106 requirements commensurate with any lack of viability which may be demonstrated, with such a reduction being on a pro-rata basis for flats that are ready for occupation within 3 years of the date that a lack of viability is established, to reduce the likelihood that the developers would benefit unduly from rising home prices making the development viable. These section 106 requirements would meet the relevant tests.

11. Conclusion

- 11.1 Subject to conditions and a Section 106 as recommended, the proposal would be acceptable and in accordance with the Development Plan.

12. Detailed Recommendation

12.1 That the Strategic Director Place be given delegated authority to grant planning application 14/01291/FUL subject to:

If the development is financially viable:

(i) A Section 106 planning obligation for the following

- £99,137 off-site open space contribution to be spent on improvements to Windsor Avenue open space
- 25% affordable housing
- Targeted recruitment and training
- Management company

If the development is not fully financially viable:

A reduction in Section 106 requirements (except for management company) commensurate with the shortfall in viability on a pro-rata basis for all flats that are ready for occupation within 3 years of the date that a lack of viability is established, with the full (pro-rata) requirement falling on all dwellings that are not ready for occupation by that date

(ii) any appropriate conditions including:

- Materials;
- Landscaping;
- Tree protection measures;
- Demolition and construction management plan;
- Drainage
- 10% renewable energy
- Hours of construction to be between 0800 to 1800 Monday to Friday; 0800 to 1300 Saturday and at no time on Sundays or Bank and Public Holidays
- Site waste management plan
- Boundary treatments
- Provision and retention of car parking
- Existing and proposed finished floor levels
- Cycle/motorcycle parking
- Bin stores
- Fixed closed and obscure glazing for upper floor north facing landing windows
- Bat and bird protection measures
- Levels



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