



Planning Committee

24 March 2015

Planning application no.	14/01292/OUT
Site	45 Rookery Road and land to the rear
Proposal	Outline application for a maximum of 16 dwellings (all matters reserved apart from access)
Ward	Spring Vale
Applicant	Mr M Howell
Agent	Mr J Sedgemore
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Nick Edwards Service Director City Assets
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 the signing of a Section 106 agreement and conditions.

2. Application site

- 2.1 The application comprises 45 Rookery Road and an area of undeveloped land to the rear of 29 to 45. It slopes upwards from east to west. At the highest point there is an electricity pylon with its lines extending easterly across the site.
- 2.2 Access is from Bayliss Avenue, a narrow residential cul-de-sac off Rookery Road.
- 2.3 There is a larger open space to the south of the site which had outline planning permission for a care home but that has now expired.

3. Application Details

- 3.1 Outline planning permission is sought for a maximum of 16 dwellings with all matters reserved apart from access. To facilitate access Bayliss Avenue would be widened, utilising land to the side of 45 Rookery Road, to provide 1800mm wide pavements and a 5500mm wide highway. A new road would then extend from Bayliss Avenue into the site.

4 Planning History

- 4.1 13/00421/OUT. Outline application for residential development with all matters reserved apart from access. Refused because of highway safety concerns and the appeal dismissed. However, the Planning Inspector stated that there would be no detriment to highway safety. The appeal was dismissed because a S106 had not been completed.

5. 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)
- 5.3 SPG3 'Residential Development'

6. Environmental Impact Assessment Regulations

- 6.1 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.

7. Publicity

- 7.1 Four letters of objection and a petition of objection containing nineteen signatures. Comments summarised as follows:
- Increased traffic and adverse impact on highway safety
 - land not suitable for development - mine shafts drainage problems electricity pylons
 - Loss of privacy / light / security
 - Increased noise disturbance
 - Detrimental impact on the environment

8. Internal Consultees

- 8.1 Transportation – no objection
- 8.2 Environmental Services – No objection subject to conditions for a construction management plan and a site investigation for contaminated land.

9. External Consultees

- 9.1 Coal Authority – No objection subject to a condition requiring a site investigation to establish any mining legacy issues and if necessary remediation measures.
- 9.2 Severn Trent Water – No objection subject to a condition requiring drainage details.

10. Legal Implications

- 10.1 Planning obligations must comply with the following tests namely they must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development. (LD/09032015/A)

11. Appraisal

- 11.1 This application is identical to application 13/00421/OUT which was refused because of concerns about additional traffic movements and a detrimental impact upon highway safety and the appeal was dismissed. However, the Planning Inspector stated that he found there to be no compelling reasons to conclude that development of the site, resulting in additional traffic movements in Bayliss Avenue and through its junction with Rookery Road, would compromise highway safety. The appeal was dismissed because a s106 agreement had not been submitted and therefore the proposals were not in accordance with the policies of the development plan.
- 11.2 In accordance with adopted planning policy the following are required:
25% affordable housing (15+ dwellings)
10% on site renewable energy generation (10+ dwellings)
Off-site open space and play contribution (10+ dwellings, maximum £126,746)
Targeted recruitment and training
- 11.3 Following the dismissal of the appeal, the applicants have demonstrated that the development would not be sufficiently financially viable on the basis of a scheme of a maximum 16 dwellings to provide affordable housing, open space / play contribution 10% renewable energy. The NPPF says that planning obligations should not threaten development viability. Therefore it is recommended that the requirement for those S106 obligations should be waived, on a pro-rata basis for any dwellings that are ready for occupation within three years of the date that non-viability was confirmed (24 February 2015), with the full requirement applying to those that are not ready for occupation by that date.

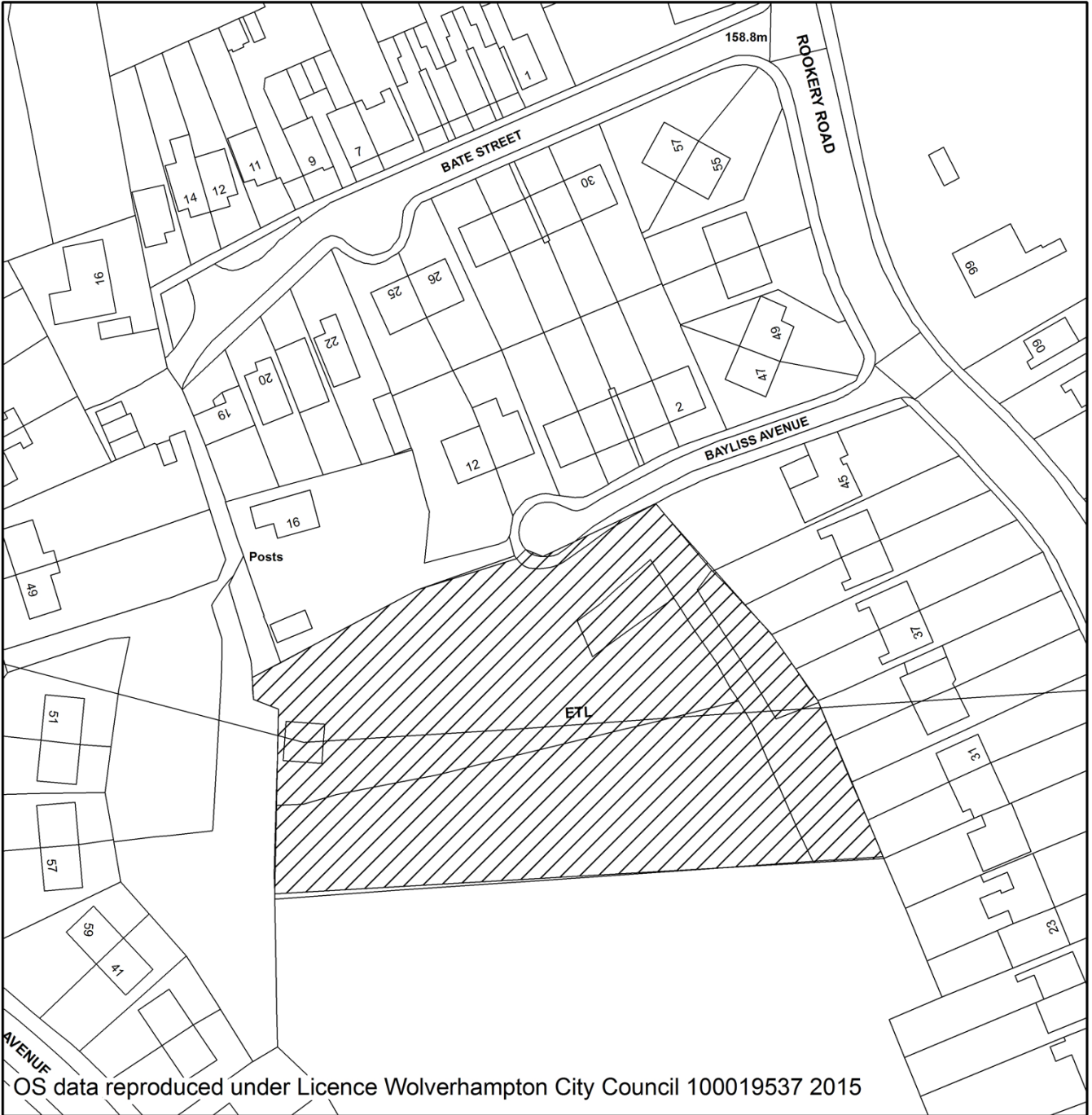
12. Conclusion

- 12.1 The development is acceptable and in accordance with the development plan, subject to completion of a S106 agreement and conditions as recommended.

13. Detailed Recommendation

- 13.1 That the Strategic Director Place be given delegated authority to grant planning application 14/01292/OUT subject to:
1. Completion of a Section 106 Agreement to include
 - Targeted recruitment and training
 - A management company to carry out management and maintenance of communal areas

- Affordable housing, public open space/play contribution (BCIS indexed), 10% renewable energy on a pro-rata basis for each dwelling that is not ready for occupation on 24 February 2018.
 - Highway works to widen Bayliss Avenue at its junction with Rookery Road
2. Any necessary conditions to include:
- Standard outline conditions
 - Levels
 - Land contamination
 - Drainage
 - Mining Investigation
 - Resource and waste management plan
 - Measures to mitigate impact on neighbours
 - Floor Plans
 - Number of dwellings to be in accordance with approved reserved matters and floor plans
 - Implementation of landscaping
 - 16 to be the maximum number of dwellings



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