



# Planning Committee

24 March 2015

<b>Planning application no.</b>	12/00320/OUT
<b>Site</b>	Land off Railway Drive, Bilston
<b>Proposal</b>	Outline application for block of 47 flats. Landscaping reserved.
<b>Ward</b>	Bilston East
<b>Applicant</b>	Mr Kal Jakhu, P & R Engineering Limited
<b>Agent</b>	Allison Blakeway, Evolution PDR
<b>Cabinet Member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable director</b>	Nick Edwards Service Director City Assets
<b>Planning officer</b>	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. Background

- 2.1 This application was reported to Planning Committee on 22 May 2012. Committee delegated authority to the Strategic Director Education and Enterprise, to grant permission subject to the signing of a Section 106 Agreement. The delegation allowed for reduced public open space contribution, affordable housing and public art requirements if the scheme was found to have a lack of financial viability, for three years from the date of the Committee meeting. The S106 agreement has not been signed to date and it has taken almost three years for the applicant to demonstrate a lack of financial viability, but now this has been confirmed by the District Valuer.
- 2.2 The developer is now ready to sign the S106 agreement. However, the delegation from Planning Committee only allows for reduced planning obligations until 22 May 2015 and so the applicant is seeking to negotiate a S106 which waives affordable housing, public open space and renewable energy on a pro-rata basis for any flats that are ready for occupation within three years of the date that non-viability was confirmed (23rd February

2015) with the full requirement applying to those flats that are not ready for occupation by that date.

### **3. Application site**

- 3.1 The application site is located south of the Black Country Route, close to the Oxford Street Island. Bilston Town Centre is on the opposite side of the Black Country Route. To the west is the Metro line and to the south and east is commercial development with frontages onto Brook Street. Railway Drive, a cul-de-sac currently closed to vehicles runs northward from Brook Street between the Metro line and the western boundary of the site.
- 3.2 The site has been vacant for many years. It is at a lower level than the Black Country Route. Mature trees along the northern boundary screen the site from that direction.

### **4. Application Details**

- 4.1 This is an outline application but with only landscaping reserved for later approval. Details of layout, scale, external appearance and means of access are all submitted for approval at this stage.
- 4.2 The application proposes a four storey V-shaped perimeter block of 47 flats. In the centre of the site is amenity space and a car park with 27 spaces, accessed via a private drive off Railway Drive.
- 4.3 The exterior of the building would be constructed of brick and render.

### **5. Planning History**

- 5.1 13/00588/OUT. Block of 69 apartments of between 6 and 7 storeys (Layout, Access, Appearance and Scale submitted for approval at this stage). Refused and Appeal Dismissed 01.08.2013
- 5.2 13/00011/FUL. Block of 107 apartments of between 6 and 11 storeys (Layout, Access, Appearance and Scale submitted for approval at this stage). Refused and Appeal Dismissed 01.08.2013.

### **6. Relevant Policy Documents**

- 6.1 National Planning Policy Framework (NPPF)
- 6.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)
- 6.3 Bilston Corridor Area Action Plan

## **7. Environmental Impact Assessment Regulations**

- 7.1 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.

## **8. Publicity**

- 8.1 No representations received.

## **9. Internal Consultees**

- 9.1 Transportation, Ecology and Trees. No objections.
- 9.2 Environmental Health. No objections subject to conditions requiring ground investigation and remediation; hours of operation during construction and noise attenuation.

## **10. External Consultees**

- 10.1 Coal Authority – No objection subject to a condition requiring site investigation works and necessary remediation works.

## **11. Legal Implications**

- 11.1 It should be noted that the NPPF supports the Council’s approach in going forward with flexible approaches to S106 Obligations. In addition to reiterating the tests contained in Regulation 122 of the Community Infrastructure Regulations 2010 it also provides “where obligations are being sought or revised, local planning authorities should take into account changes in market conditions over time, and wherever appropriate, be sufficiently flexible to prevent planned development being stalled” KR/09032015/Q

## **12. Appraisal**

- 12.1 The use, design, amenity and access and parking elements of the proposals were previously considered to be acceptable by Planning Committee. However, as this application was considered almost three years ago the focus should now be on development plan policies and other material considerations which have changed significantly since the application was considered acceptable in 2012.
- 12.2 The Bilston Corridor Area Action Plan was adopted in September 2014. There are no policies which indicate that the proposal should not be permitted. There has been no other material change in circumstances.
- 12.3 There is a requirement for affordable housing (25%), public open space/play contribution (£117,500) to be spent on open space and play facilities at Bilston Urban Village, 10% renewable energy and targeted recruitment and training. It has recently been demonstrated that the development would not be sufficiently viable to provide these. The NPPF says that planning obligations should not threaten development viability. Therefore, it is recommended that the requirement for these S106 obligations should be

waived on a pro-rata basis for any flats that are ready for occupation on 22<sup>nd</sup> February 2018, with the full requirement applying to those flats that are not ready for occupation by that date.

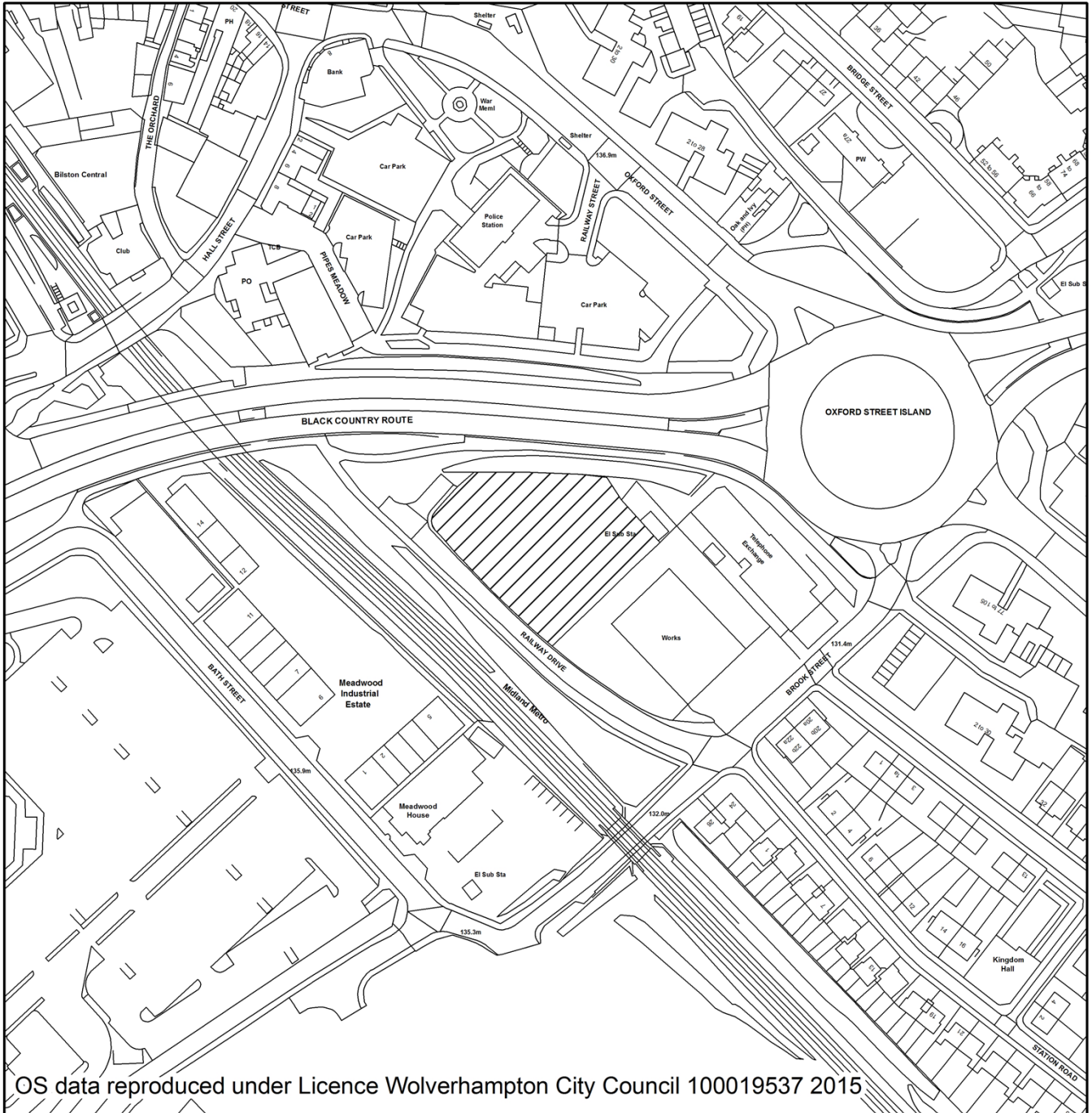
### **13. Conclusion**

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

### **14. Detailed Recommendation**

- 14.1 That the Strategic Director Place be given delegated authority to grant planning application 12/00320/OUT subject to:

1. Completion of a Section 106 Agreement to include:
  - Targeted recruitment and training
  - Management company
  - 25% Affordable housing, public open space / play contribution (£117,000 to be spent at Bilston Urban Village), and 10% renewable energy on a pro-rata basis for each flat that is not ready for occupation on 22<sup>nd</sup> February 2018.
2. Any necessary conditions to include:
  - External materials
  - Access road construction details
  - External lighting
  - Landscape implementation
  - Tree protection
  - Ground investigation and remediation
  - Noise / Air Surveys and implementation of mitigation works
  - Levels (existing and proposed)
  - Implement ecological recommendations
  - Cycle and motorcycle parking
  - Refuse storage
  - Provision of boundary treatments and gates to car park
  - Site waste management plan
  - Drainage
  - Hours of construction
  - Provision and retention of car parking



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