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| <b>Planning application no.</b>                | 22/01049/OUT   |  |
| <b>Site</b>                                    | Land Behind 2 To 30 Eccleshall Avenue, Wolverhampton                   |  |
| <b>Proposal</b>                                | Proposed Residential Development for One Dwelling (Outline Permission) |  |
| <b>Ward</b>                                    | Oxley;   |  |
| <b>Applicant</b>                               | Mr Poonia  |  |
| <b>Cabinet member with lead responsibility</b> | Councillor Stephen Simkins<br>Deputy Leader: Inclusive City Economy    |  |
| <b>Accountable Director</b>                    | Richard Lawrence, Director of Regeneration                             |  |
| <b>Originating service</b>                     | Planning   |  |
| <b>Accountable employee</b>                    | Tracey Homfray   | Planning Officer   |
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## 1.0 Summary recommendation

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

## 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 Western Power 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<sup>th</sup> 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.

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.

### **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 32 letters of objection:

- Highway/Pedestrian Safety due to the narrow nature of the access and surrounding highway, impacting on access and parking
- Disruption to neighbouring properties, noise from traffic and building.
- Loss of Privacy
- Loss of outlook
- 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
- 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
- Out of character as all properties are facing the highway, mostly 2 storey / 3 bed
- Onset of 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

## 7.0 Consultees

7.1 Transportation – No Objections subject to conditions.

7.2 Coal – No Objection

7.3 Western Power –

Previous Comments 21/00048/OUT –

Our network off Eccleshall Road provides over 100 properties with an electricity connection and approximately of 20% of those properties are registered with us as having an occupant that is medically sensitive to interruptions to their electricity supply. Our equipment has been established in accordance with current site conditions and there is a concern that the change of use proposed will increase traffic over our underground cables, which may potentially impact on the integrity and security of our network affecting our ability to maintain supplies in accordance with our statutory obligations. Remedial measures may be available, but we are concerned that these could constrict our ability to expand our network in support of the predicted increase in the use of electric vehicles and make it more expensive to install replace and maintain our underground cables when we are bound by legislation to run an economic network.

Awaiting Updated Comments, to be updated at Planning Committee

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 **MAK/SE/06/01/2023/1**.

## 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.
- 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 address 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 concerns of Western Power have been considered, however, the volume of traffic associated with a dwelling of this size, would not be significantly different to what currently exists, and together with the construction method statement, would mitigate any concerns with respect to the under ground lines, and larger vehicles accessing the site during development.
- 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 Western Power, 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.

#### Wildlife

- 9.13 Wildlife has been considered via the submission of an Ecological Appraisal dated 6<sup>th</sup> 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

- 9.14 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.”

- 9.15 A query has been raised with respect to rights of access, this would be a private matter between the parties concerned and is not a material consideration for the planning application.

## **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.

