

Planning application no.	22/01337/OUT	
Site	Oxley Moor House & Oxley Training Centre, Probert Road, Wolverhampton, WV10 6UF	
Proposal	Outline planning application for the construction of a 2 storey health and wellbeing facility and 3 storey residential building via the Self & Custom Build Scheme, with associated parking, landscaping and external refuse. (All matters to be considered apart from Appearance).	
Ward	Oxley;	
Applicant	Mr Ballal Raza (City of Wolverhampton Council)	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	Vijay Kaul	Section Leader (Planning)
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1.0 Summary recommendation

1.1 Grant subject to S111 Agreement and conditions

2.0 Application site

- 2.1 The application includes a former day centre and training centre, and is a currently vacant Council asset. Following ongoing anti-social behaviour, the Council has had to secure the site and provide short term security measures. Access to the application site is via Probert Road, off Oxley Moor Road, the vehicular route runs around existing building to also serve Cedar Grange Care Home to the east.
- 2.2 There is a Public Right of Way footpath running alongside the western site boundary linking to Ingestre Riad, it also serves the Children and Families Nursery, located at the rear of the neighbouring Probert Road Surgery (which has a separate vehicular access)
- 2.3 Rakegate Wood is located to the north of the application site, and is allocated as Recreational Open Space and a Site of Importance for Nature Conservation (SINC).

2.4 There are residential dwellings adjoining the site to the north, north-west and southern boundaries.

3.0 Application details

3.1 This outline planning application proposes the construction of a 2 storey health and wellbeing facility and 3 storey residential building via the Self & Custom Build Scheme, with associated parking, landscaping and external refuse. All matters relating to layout, scale, means of access and landscaping are to be considered, with appearance being a reserved matter.

3.2 Accompanying information submitted with the application details the following residential mix / types:

- 20 x One-bed apartment
- 3 x Two-bed apartments

3.3 Public facing spaces located on the ground floor include GP services, Council led health services, community spaces and pharmacy. Council services and office spaces located on the first floor include Community Nursing, Family Services, bookable meeting spaces and a staff area.

3.4 The existing vehicular access off Probert Road will be improved with vehicular access to the existing Oxley Lodge Care Home to the east retained through the proposed car park.

3.5 The Transport Assessment includes the following information on likely staff numbers:

- 18 clinical staff, 20 support staff and a 20-minute patient turnaround.

3.6 It is proposed to provide a total of 65 car parking spaces for the health and wellbeing facility and 20 spaces for the residential.

3.7 Pedestrian access to the site will be improved with the provision of more convenient access points to the existing footpath along the site's western boundary.

4.0 Relevant policy documents

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:

4.3 Wolverhampton Unitary Development Plan (UDP)

4.4 Black Country Core Strategy (BCCS)

5.0 Publicity

5.1 The application was advertised by direct neighbour notification and local newspaper advert.

5.2 A representation was received from ward Councillor Collinge, with comments summarised as follows:

- Campaigned for some considerable time and supportive of the redevelopment of this site to address fly tipping and anti-social behaviour.
- Degree of flexibility should be retained in relation to the internal arrangements of the health and wellbeing facility.
- Supportive of the proposed self-build accommodation, which enhances viability of project.
- Below issues need consideration or dealt with by condition:
- Traffic generation and access should address issues on Probert Road.
- Consider proportionate local measures to tackle problem speeding, review of highways signage and/or provision of Vehicle Activated Signs along Probert Road.
- Ensure sufficient parking for residential use.
- Appropriate delivery mechanism and financial contribution mechanism needs to be secured for improvements and accessibility for Rakegate Woodland.
- Certain facilities will need to be accessed outside of the normal operating hours for the wider health and wellbeing facilities, should be proportionate.
- Can energy efficiency be maximised beyond the 30% of the energy demands for the Site provided by Air Source Heat Pumps.
- Can further betterment in relation to permeable paving, water harvesting or green roof be considered as part of the development moving forward.
- Final landscaping proposals and details and also be conditioned and long-term ground maintenance secured.

5.3 A representation was also received from ward Councillor Roberts, with comments summarised as follows:

- In favour of the proposals, important as been involved with these proposals since before Covid
- The site has caused major issues
- Understand there would be further consultations with local residents once the site is cleared.

6.0 Consultees

Internal

6.1 Highways – No objection subject to conditions.

- 6.2 Environmental Protection – No objection, subject to conditions
- 6.3 Tree Officer – No objection subject to conditions
- 6.4 Archaeology and Historic Environment Officer - No objection.

External

- 6.5 Severn Trent Water – No objections subject to conditions
- 6.6 Lead Local Floor Authority - No objections subject to conditions
- 6.7 West Midlands Police - No objections subject to conditions

7.0 Legal implications

- 7.1 The legal implications arising from this report are set out below. SE/MH/09032023/D

8.0 Appraisal

- 8.1 The main issues for consideration are:

- Principle of development
- Impact on character and appearance of area
- Highways and Parking
- Residential amenity
- Impact on protected trees
- Impact on protected species
- S106 provisions

Principle of development

- 8.2 The residential building will be delivered under the Self and Custom Build Scheme and offer affordable homes to key workers in the city. The Council has a duty to provide plots for self-build housing under the Self Build and Custom Housing Act 2015. This matter is clarified in both the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) where it is stated that relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The proposal will provide a development site sufficient to meet the demand of another 23 units. The development will be done in partnership with a chosen housing association who will oversee the process with the initial tenant/owner of the home who will have primary input into its final design and layout.
- 8.3 As outlined in supporting Statement of Community Involvement, the Outline scheme has been developed through consultation with the local community and key stakeholders including The Royal Wolverhampton NHS Trust / RWT Primary Care Network (PCN), Black Country Healthcare NHS Foundation Trust and The NHS Black Country and West Birmingham Integrated Care Board (ICB).

- 8.4 The re-location of the GP services within the existing Probert Road Surgery and GP services on Stafford Road will positively serve the community in a new holistic Health and Wellbeing Facility where the public can access all health and wellbeing services in one facility that will be more efficient and easily accessible. Along with the provision of GP services and wider health provisions, the Health and Wellbeing Facility will house various council services such as District Nursing teams and Family Services. These services will be re-located from other sites to co-locate all health services into one local facility, making the council services more efficient
- 8.5 The proposed development will increase the available capacity to accommodate patient demand on local health and social care services and deliver much needed affordable housing on a brownfield site, the principle of development is therefore acceptable and in accordance with the Development Plan.

Character and Appearance

- 8.6 The layout and scale of the proposed development has been designed to respect the local character. The accompanying Design and Access Statement show the maximum height of both the health and wellbeing facility and residential block would be similar in the scale of the adjacent care home. Although the apartment block is 3 stories high, it sits at the end of a run of two storey dwellings, and has Rakegate Wood as a backdrop, and would therefore sit comfortably within this location.
- 8.7 'Appearance' is a reserved matter, the proposed materiality and façade strategy will need detailed consideration of a subsequent application. However, CGI's submitted with the application does show a high quality design that would be appropriate within the area, and set against the new public realm and landscaping surroundings, this will result in a scheme with a distinctive character of its own. The increased permeability of the area will contribute to the creation of a safe and attractive environment.
- 8.8 Access to the main car parking immediately to the frontage, works to provide immediate and well overlooked parking spaces, with natural surveillance afforded by users along the public right of way.

Highways and Parking

- 8.9 The proposed vehicular access into the site will be provided by the existing access point from Probert Road.
- 8.10 The submitted Transport Assessment has considered key transport elements of the development including parking, access, servicing, trip generation and junction impact assessments. Junction modelling assessments have found that the traffic flows generated by the proposals will have a negligible impact on the forecast operation of the junctions in the immediate area. A minor improvement is proposed to move the centreline of Probert Road north-east towards the site access. This will encourage drivers to take better road positions when turning right into the access road from Probert Road and

therefore improve the visibility splay slightly from 43 metres to 46 metres. The Highway Authority confirm that the Transport Assessment can be accepted.

- 8.11 Private car parking for residents is provided separate from the public car parking for the Health care centre. The parking demand assessment was undertaken using local Census car ownership data and historical travel surveys from similar developments in the local area, to determine proposed parking provision sufficient to meet the anticipated demand.
- 8.12 The Highway Authority have accepted that each apartment should provide 1 space. At present there are 18 general car parking spaces (plus 2 Electric Vehicle Parking Spaces) for the 23 units. This shortfall is not significant, and it is acknowledged that any overspill parking, (if parking demand exceeds the parking provision) will take place as close to the residential units as possible and is very unlikely to have any significant impact on Probert Road or the wider highway network. Any overspill car parking could take place on the adjacent Healthcare parking spaces which would not be operationally restricted, and when parking demand reduces in evening hours.
- 8.13 Further mitigation to reduce private vehicle trips to and from the site, and therefore parking demand, have need to be included in a more detailed Travel Plan, which will be secured by condition.
- 8.14 The introduction of new parking restrictions around the bend of Probert Road will help to protect the junction of the access road and Probert Road from inappropriate parking, a condition will be attached to secure this.
- 8.15 The applicant advises that the relocation of the access to the Cedar Grange site has been agreed with the land owners, no objection has been raised to this planning application.
- 8.16 As unrestricted vehicular access still need to be provided to the residential accommodation and the Cedar Grange Care Home as part of this proposal, it would be reasonable to secure a Car Park Management Plan so that any unauthorised parking or activity does not arise on the car park.
- 8.17 The proposed development would not conflict with transport and parking development plan policies, nor with would there be conflict with NPPF paragraph 111 which says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Residential Amenity

- 8.18 Private amenity space will be included via inset balconies to each apartment. These are inset in order to reduce the visual mass of the building as well as enhance privacy and reduce overlooking. Futhermore, residents would have access to the proposed communal public realm around the apartment block, as well as the existing Rakegate Wood to north of the site.

- 8.19 The development has been carefully located to ensure no harm would arise on privacy, outlook and day/sunlight standards of existing dwellings. The layout plan shows separation between the health and wellbeing facility and existing housing to rear (455, 457 and 459 Stafford Road) of between 24 to 28.2 metres, and to Cedar Grange Care Home some 26.5 metres (there is a slightly closer distance of 22 metres corner to corner). The proposed residential block is situated some 28m from the nearest neighbour at 9 Ingestre Road.
- 8.20 The Noise Assessment confirms noise limits have been specified to ensure that combined plant noise rating levels are at least 10 dB below existing daytime and night-time background noise levels, therefore operational noise levels for the health and wellbeing facility during the daytime and night-time are predicted to be below the guideline BS 8233:2014 / WHO criteria at existing nearby properties with either windows-open or closed scenario. Mitigation measures are included for the proposed development in terms of glazing specification and alternative ventilation which will be secured by condition.
- 8.21 The residential development is likely to be offered to end users as a 'shell and core', with the 'Self and Custom Build' component allowing the final layouts to be custom designed by future occupiers. The applicant confirm that all units will comply with the space standards as set out in the Nationally Described Space Standards (DCLG, 2015). This can be secured by condition.

Impact on protected trees

- 8.22 A thorough desktop assessment has been undertaken to determine the age of the Rakegate Wood in relation to its potential ancient woodland status, which demonstrates that the woodland does not meet the criteria for classification as Ancient woodland, and as such there is no requirement for a minimum 15m buffer zone. The proximity of the development to the woodland raises no concern in policy terms.
- 8.23 The loss of lower quality trees within the site will be mitigated by the proposed landscaping scheme, which subject to the confirmation of the species, size, and planting pit design is considered acceptable.
- 8.24 The submitted tree survey appropriately identifies all tree protection measures required, and subject to the provision of an appropriate Arboricultural Method Statement to provide the required details by condition, there should be no long term impact on the trees to be retained.

Impact on protected species

- 8.25 The Preliminary Ecological Appraisal Report indicates that the habitats within the site support or have some potential to support protected species (in particular roosting bats, badgers).

- 8.26 The recommendations contained in the Section on Ecological Constraints and Opportunities and Badger Mitigation Strategy will need to be secured by condition, which should include the erection of a badger proof fence at the north site boundary, between the site and adjacent woodland, to prevent the movement of badgers back into the site once any setts have been closed under Natural England mitigation licence.
- 8.27 As part of accompanying evidence on prior approval application for demolition of existing buildings 22/00494/DEM, the Council commissioned an update to the Preliminary Roost Assessment (December 2022) confirming that further survey work for bats must be carried out and a detailed mitigation / compensation strategy devised (informed by the results of the survey) and submitted and approved by the LPA prior to any demolition commencing on site. The consultant Ecologist's advice to secure this prior to demolition commencing or by condition on the outline planning application is based on the following:
- Classification of the buildings as holding 'low' suitability for bats.
 - High levels of human disturbance and light pollution associated with the urban location of the site, reducing suitability of the site for roosting and the overall diversity of bat species within the area
 - Lack of bat-related evidence identified during the surveys to date, suggesting that
 - the buildings are highly unlikely to support a large or significant roost of bats (e.g. maternity colony).
 - Scope within the proposals to provide adequate mitigation / compensation measures to accommodate a variety of scenarios, including 'worst-case scenario' i.e. room to accommodate a standalone 'bat barn' or 'bat loft' within the post-development site to provide mitigation / compensation for a large or significant roost (e.g. maternity) if identified during the further survey work for bats.
- 8.28 To inform the outline planning scheme, a Mitigation Strategy for bats has been outlined to ensure that all development works at the site have and will be completed in accordance with relevant wildlife legislation pertaining to bats and their roosts to ensure that the 'favourable conservation status' of bats at the site is not adversely impacted upon and is preferably enhanced as a result of the development. Once the further survey work is completed within the bat survey season of 2023, this strategy will need updating accordingly with full details of mitigation, compensation and enhancement measures.

Air Quality / Renewable Energy

- 8.29 In line with BCCS Policy ENV8, an Air Quality Assessment submitted with the application confirms that in order to off-set the potential effects on air quality, the following elements will be secured, provision of six EV charging points, secure cycle parking spaces and implementation of a Travel Plan. A condition will be attached to require implementation.
- 8.30 The Energy Statement relies on provision Air Source Heat Pumps for both buildings, to provide just over 30% of the energy demands for the development, this exceeds the

requirements of BCCS Policy ENV7 Renewable Energy, which requires the incorporate generation of energy from renewable sources sufficient to off-set at least 10% of the estimated residual energy demand of the development on completion. A condition will be attached to require compliance.

S106 provisions

8.31 The Council cannot enter into a S106 agreement both as land owner and local planning authority, therefore to secure the planning obligations the council and developer will enter into an agreement under Section 111 of the Local Government Act 1972, to require the developer to enter into a S106 at the same time they take ownership of the land.

Triggered only by the residential element, the S106 will secure the following:

- Provision of 25% Affordable Housing (this would not prevent the site being developed for a 100% affordable housing scheme operated by a Registered Provider. For this type of development, a shared ownership and/or affordable home ownership model would be the most suitable.
- Custom and Self Build - restriction and confirmation that the proposal will be carried out in the manner proposed.
- Cannock Chase Special Area of Conservation (SAC) contributions of £290.58 per home (index linked).
- Off-site open space contribution from the flats of £33,670, to be spent on maintenance of Rakegate Wood.

8.32 These Section 106 requirements meet the relevant tests (necessary to make development acceptable, directly related to development and fairly and reasonably related in scale and kind to the development) to comply with policy requirements.

9.0 Conclusion

9.1 For the reasons outlined above, the proposal is acceptable and overall is in accordance with the development plan.

10.0 Detail recommendation

10.1 That the Director of Regeneration Place be given delegated authority to grant planning application 22/01337/OUT subject to:

- (i) Completion of Section 111 to obligate the developer to enter into a Section 106 agreement on taking possession of the land to secure:
 - Provision of 25% Affordable Housing
 - Cannock Chase Special Area of Conservation (SAC) contribution of £290.58 per home
 - Off-site open space contribution of £33,670

- Custom and Self Build restriction
- (ii) Subject to any appropriate conditions including (but not limited to):
 - Implementation date
 - Submission of reserved matters (appearance)
 - Use of building restricted to health and wellbeing facility (uses listed in application)
 - Operational hours
 - Materials
 - Levels
 - Boundary treatment
 - Detailed landscaping proposals
 - Long term Landscaping management plan
 - Transport Assessment (implement highway improvements)
 - Access and parking implementation (residential and health and social building)
 - Traffic Regulation Order (along Probert Road).
 - Travel Plan
 - Drainage scheme implementation
 - Control of surface water in place as part of any temporary works
 - Construction Management Plan (including traffic control measures)
 - Car Parking Management Plan
 - Cycle / motorcycle parking provision
 - Residential internal layouts to comply with Nationally Described Space Standards
 - Arboricultural Method Statement
 - External lighting plan / light spillage
 - Recommendations in the Preliminary Ecological Appraisal (bats and badgers)
 - Land contamination - Phase 2 intrusive investigation
 - Noise Assessment recommendations
 - Electric charging points
 - 10% renewable energy
 - Refuse management plan

