

MINUTES

meeting: **PLANNING COMMITTEE**

date: **4 OCTOBER 2011**

PRESENT:-

Councillor Judith Rowley (Chair),
Councillors Darke, Mrs Findlay, Hardacre, Hodgkiss, Husted, Leach
Mrs Mills, Simkins, Sweet and Yardley

OFFICERS IN ATTENDANCE:-

Delivery Directorate

L Delrio	-	Solicitor
K Roberts	-	Senior Legal Executive
J Wright	-	Democratic Support Officer

Education and Enterprise Directorate

S Alexander	-	Head of Building and Development Control
L Barnstable	-	Service Manager – Transportation Development
N Edwards	-	Assistant Director - Prosperity
I Holiday	-	Section Leader
C Morrison	-	Section Leader
A Murphy	-	Section Leader

Wolverhampton
City Council



PART I - OPEN ITEMS
(Open to Press and Public)

82 **Apologies for Absence**

Apologies for absence were received from Councillor Mrs Thompson

Declarations of Interest

83 The following interests were declared:-

<u>Agenda Item No</u>	<u>Subject</u>	<u>Councillor</u>	<u>Interest</u>
7	Planning Application 11/00768/FUL	Hodgkiss	Prejudicial

Minutes

84 Resolved:-
That the minutes of the meeting held on 6 September 2011 be approved as a correct record

Matters Arising

85 None

Schedule of Outstanding Minutes (Appendix 24)

86 Resolved that the schedule of outstanding minutes be noted.

Schedule of Planning Applications (Appendix 25)

The Interim Strategic Director for Education and Enterprise submitted a report which set out a schedule of planning applications to be determined by the Committee.

Planning Application 11/00745/FUL Land Formerly Rakegate Infant School, Rakegate Close, Oxley, Wolverhampton

The Section Leader reported that a flood risk assessment had been received and was being assessed by the Environment Agency. Details of the tree planting scheme had also been received and were considered acceptable in terms of number and location.

Councillor Claymore spoke in opposition to the application.

Mr McGowan spoke in support of the application.

Some Members expressed concern about parking, proximity of the site to the school leading to road safety issues, traffic speed, density of development leading to loss of privacy and loss of trees.

The Committee was informed that a tree survey had indicated that the trees were in poor condition and this had been confirmed by the Tree Officer. Since they had been planted in approx 2000 the trees had not been managed and needed thinning. Whilst the existing design of the development was unlikely to lead to road safety issues or excessive speed additional road safety features could be negotiated with the applicant. The proposal was within acceptable density levels. There were no planning reasons to refuse the application.

87 Resolved that the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00745/FUL subject to:

(i) No overriding objection from the Environment Agency

(ii) The signing of a hybrid Section 106/Section 111 agreement to secure:

- 25% affordable housing
- Contribution of £257,579.16 (subject to BCIS annual percentage increase from 1st January 2012) for off site provision and/or enhancement of public open space and associated play facilities
- Public art
- Traffic Regulation Order, to prevent parking on the traffic island,
- Targeted recruitment and training

iii) Any necessary conditions to include:

- Landscaping
- Materials
- Boundary treatment
- Waste management
- Site investigation
- Drainage
- Measures to protect neighbours amenity during construction
- Tree protection
- 10% renewable energy generation (unless it can be demonstrated that this would make the proposal unviable)

Planning Application 11/00710/FUL (Formerly) The Tube, 9 Princess Street, Wolverhampton

Mr Laws spoke in opposition to the application

88 Resolved that planning application 11/00710/FUL be granted subject to any appropriate conditions including :

1. Details of refuse storage
2. Restrict delivery times
3. Material samples
4. Joinery details
5. Fascia details

Planning Application 11/00763/VV Golden Eagle, 80 Hordern Road, Wolverhampton

Mr Laws spoke in opposition to the application

Members expressed concern that the existing conditions were being breached which led to an adverse affect on the amenity of surrounding residents Members were of the opinion that granting the application would increase the problems encountered by residents and supported enforcement action to ensure the existing conditions were complied with and that the previous windows be replaced.

89

Resolved

(i) That planning application 11/00763/VV be refused for the following reason:

The use of premises as a community centre / place of worship outside the permitted of 0700 to 2200 is likely to give rise to an unacceptable and unreasonable degree of disturbance to nearby residents from traffic noise and noise from customers at unsocial hours. The proposal is therefore contrary to UDP Policies: EP1 – Pollution Control, EP5 – Noise Pollution, C1 – Health, Education and other community services

(ii) An enforcement notice be issued alleging breach of condition 3 of planning permission reference 11/00310/RP requiring that the Community Centres hours of opening shall be limited to 07.00 hrs to 22.00 hrs Monday to Sunday. That the Enforcement Notice, which will take effect 28 days after it is served, unless an appeal is made against it, will require;

- That the community centres hours of opening shall be limited to 0700 hrs to 2200 hrs Monday to Sunday.
- That the time for compliance with the notice be 1 month.

Planning Application 11/00133/FUL Land At Junction Of Stafford Street, Cannock Road, Wolverhampton

The Section Leader gave a detailed introduction to the application and in particular drew Members attention to the need to carefully consider the concerns expressed by the Health and Safety Executive against the potential improvements to the transport network. He drew members attention to the advice received from consultants, Jacobs, on an assessment of the potential risks that had been highlighted by the Health and Safety Executive.

Mr Tucker spoke in opposition to the application.

Mr Finch spoke in support of the application.

Members were of the opinion that, having carefully considered the concerns expressed by the Health and Safety Executive granting the application would not significantly increase the risk to public safety beyond those that were already present and, on balance, the benefits generated by granting the application would outweigh the potential risks highlighted by the Health and Safety Executive.

- 90 Resolved that the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00133/FUL subject to:
- Referral to the Health and Safety Executive and the Secretary of State not calling in the application
 - The signing of a Section 106 agreement to secure the compensatory payment for the loss of open space
 - A landscaping condition

Planning Application 11/00562/FUL 38 Elizabeth Avenue, Blakenhall, Wolverhampton

Mrs Spratling spoke in opposition to the application

- 91 Resolved that planning application 11/00562/FUL is granted, subject standard conditions, including the following:
- Matching Materials

Planning Application 11/00568/FUL Land Adjacent To And Rear Of 6, Bridgnorth Road, Wolverhampton

The report had been withdrawn at the request of the applicant.

Planning Application 11/00738/EXT 251 Parkfield Road, Wolverhampton

The Section Leader reported that Centro had no objections to the proposal subject to the provision of an additional condition relating to the relocation of the bus stop.

- 92 Resolved that the Interim Director of Education and Enterprise be given delegated authority to grant planning application 11/00738/EXT subject to:
1. The completion of a S106 agreement to secure:
 - Targeted recruitment and training
 - A management company to carry out management and maintenance of communal areas
 - The reduction of affordable housing, public open space/play contribution and public art, if justified on the grounds of financial viability, on a pro-rata basis for each flat that is ready for occupation within 3 years from the date of this Committee meeting, providing that at that time the exterior of the building is completed. The normal affordable housing, public open space/play contribution (BCIS indexed) and public art requirements to apply on a pro-rata basis to each flat that is not ready for occupation within 3 years from the date of this Committee meeting.
 2. Any necessary conditions to include:
 - External materials
 - External lighting
 - Landscaping (including tree protection)
 - Ground investigation and remediation
 - Hours restriction during remediation and construction

- Noise attenuation
- Ventilation
- Provision and retention of car parking areas
- Cycle and motorcycle parking
- Refuse storage
- Boundary treatments
- Making good of redundant kerbs
- Gates to be a minimum of 6m from kerb line
- Amend road markings in accordance with new development
- Site waste management plan
- 10% Renewable Energy
- Drainage
- Relocation of bus stop prior to the commencement of the development

Planning Application 11/00770/VV Chillington Works, Off Hickman Avenue, Wolverhampton

The Section Leader reported that the Environment Agency had indicated they had no objection to the development subject to Severn Trent agreeing to take waste water from the site.

- 93 Resolved that the Interim Director of Education and Enterprise be given delegated authority to grant planning application 11/00770/VV subject to:
- Resolution of the Environment Agency objection.
 - The waste materials to be processed on site shall comprise soil, crushed concrete and tarmacadam planings, household, industrial and commercial inert and nonbiodegradable wastes and also wood, cardboard and paper only. Reason: In the interests of protecting environmental amenity. Relevant UDP Policy EP1 and BCCS Policy ENV8.
 - Any relevant conditions from C/642/92
 - Retention and use of litter screen, vehicle wheel washing facility and water spray system.

Planning Application 11/00199/FUL Hanover Court, Wolverhampton

- 94 Resolved that planning application 11/00199FUL be granted subject to any appropriate conditions including the following:
- The building is to be used only as an office in connection with the running of Hanover Court.

Planning Application 11/00621/RP 25 Spring Road, Wolverhampton

- 95 Resolved that planning application 11/00621/RP be refused for the following reasons:
- (i) The applicant has not provided sufficient evidence to demonstrate the need for this particular use at this out of centre location. Contrary to BCCS policies CEN3 "Growth in the Strategic Centres" and CEN7 "Controlling Out-of-Centre Development".

- (ii) The appearance of the proposed development does not demonstrate a high standard of design, it is out of keeping with neighbouring properties failing to take the opportunities available for improving the character, quality and appearance of the area, contrary to UDP policies D6 “Townscape and Landscape”, D7 “Scale – Height”, Policy D8 “Scale – Massing”, Policy D9 “Appearance” and BCCS policies CSP3 “Environmental Infrastructure”, CSP4 “Place Making” and ENV3 “Design Quality”.
- (iii) The siting of the proposed building does not follow the existing building line, urban grain and the spatial character of the area. The parking area is not fully enclosed and the frontage of the proposal is fully dominated by this parking area. Contrary to UDP policies D4 “Urban Grain” D5 “Public Realm”, D6 Townscape and Landscape”, D9 “Appearance” and D10 “Community Safety (Part I)” and BCCS Policies CSP3 “Environmental Infrastructure”, CSP4 “Place Making” and ENV3 “Design Quality”.
- (iv) The proposed building by reason of its siting, bulk and position close to the rear garden of the adjoining property at No.27 Spring Road, would have an unacceptable overbearing impact adversely affecting the outlook from that garden. Contrary to policy D8 “Scale – Massing” and BCCS policies CSP4 “Place Making” and ENV3 “Design Quality”.
- (v) The proposal does not include the provision of cycle and motorcycle parking facilities. There is also no evidence that acceptable visibility splays could be achieved. This is contrary to UDP policies AM15 “Road Safety and Personal Security”, AM12 “Parking and Servicing Provision” and BCCS Policy TRAN2 “Managing Transport Impacts of New Development”.

Planning Application 11/00754/LBC & 11/00753/FUL Central Library, Snow Hill, Wolverhampton

96

Resolved that

1. Listed Building Application 11/00754/LBC be referred to the Secretary of State with a recommendation to grant Listed Building Consent, subject to standard conditions including;
 - Prior approval of all finish materials
2. That planning application 11/00753/FUL be granted subject to standard conditions including;
 - Prior approval of all finish materials

Planning Applications Determined Under Officer Delegation, Withdrawn etc (Appendix 26)

Councillor Hodgkiss left the room during the consideration of this item and took no part in the consideration of this item.

The Interim Strategic Director Education and Enterprise submitted a report on planning and other applications that had been determined by authorised officers under delegated powers given by Committee, those applications that have been determined following previous resolutions of Planning Committee, or have been withdrawn by the applicant, or determined in other ways .

- 97 Resolved:-
That the report be noted.

Planning Appeals (Appendix 27)

The Interim Strategic Director Education and Enterprise submitted a report on an analysis of planning appeals in respect of decisions of the Council to either refuse planning or advertisement consent or commence enforcement proceedings.

- 98 Resolved:-
That the report, and in particular the award of costs against the Council in relation to the provision of public art at Bilston Police Station, be noted.

Flexible Approaches to Planning Obligations And Community Infrastructure Levy (Appendix 28)

The Interim Strategic Director Education and Enterprise submitted a report which updated Members on the continued operation of flexible and pro-active approaches to planning obligations and summarised progress made with the Community Infrastructure Levy

- 99 Resolved:-
(i) That the report be noted.
(ii) That a report be submitted to a future meeting of the Committee on the monitoring of the progress made with enforcement action.