

MINUTES

meeting: **PLANNING COMMITTEE**

date: **11 OCTOBER 2011**

PRESENT:-

Councillor Judith Rowley (Chair),
Councillors Darke, Mrs Findlay, Hardacre, Hodgkiss, Husted, Leach
Mrs Mills, Simkins, Sweet, Mrs Thompson 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
J Davies	-	Senior Planning Officer
N Edwards	-	Assistant Director - Prosperity
C Green	-	Interim Strategic Director Education and Enterprise
R Pitt	-	Senior Planning Officer

Wolverhampton
City Council



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

Declarations of Interest

100

No declarations were made

Schedule of Planning Applications (Appendix 29)

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 09/00475/OUT Peel Retail Park, Stafford Street, Whitmore Reans, Wolverhampton

The Head of Development Control and Building Control reported that since the agenda had been published

- A reserved matters application had been submitted on 10 October 2011 pursuant to application 07/01739/RC
- Delegated authority had been granted for planning application 11/00133/FUL on 4th October 2011.
- Paragraphs 11.42 - 11.51 (Health and Safety Issues) The Jacobs report has been updated to consider the objections raised by the HSE in a letter received on 6th October 2011 and had concluded that the risks to either the food store or the reconfigured retail park proposal were extremely small and could be mitigated further through detailed design and construction. The overall conclusion of the Jacobs report was that the risks were extremely small
- Paragraphs 11.20-11.22 Further representations had been received on behalf of Sainsbury's and Tesco. The letters stated that the submitted contract summary report dated 14th September 2011 provided evidence that Tesco would sell the land at Raglan Street to Sainsbury's and that this contractual agreement has not been given sufficient weight in the Committee Report. Officers had not had sight of the contract and as it was conditional on matters which are outside the Councils control consequently the position detailed in the Committee report remained the same.
- Paragraph 11.30 Sainsbury's had expressed concern that the order in which the planning applications would be heard was prejudicial and they suggested that as the sequentially preferable site, the planning application for Raglan Street should be heard first. Members were advised that there were no reasons to not deal with the applications in reference number order.
- Paragraph 11.39 Further representations had been received from Peel who had suggested that greater clarity should have been given in the report to the conclusions of the acceptability of the Peel application in terms of the sequential and impact tests. Members were informed that the report gave an accurate and proportionate analysis and the recommendations had been made in the light of the evidence available at this time.

- Paragraph 11.75 An ecological survey and report had been submitted and was acceptable subject to a condition that no trees are felled between March and September and the future development includes bat and bird boxes
- The Head of DC/BC reported that having given careful consideration to the representations received since the publication of the report there was no alteration to the recommendation subject to additional conditions relating to trees, bats and birds.

Mr Hall, Mr Moore and Mrs Johnson spoke in opposition to the application.

Mr Finch spoke in support of the application.

Members expressed support for the application and welcomed the regeneration and employment opportunities the development would bring.

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.

101

Resolved that the Interim Director for Education and Enterprise be given delegated authority to grant planning application 09/00475/OUT subject to:

- (i) Referral of the application to the Secretary of State in accordance with the 'Town & Country Planning (Consultation) (England) Direction 2009' because the site:
 - is located in an out of centre location
 - consists of, or includes, retail, leisure or office uses
 - is not in accordance with one or more provisions of the development plan, and
 - exceeds 5,000 square metres gross of new development.
- (ii) Referral to the Health and Safety Executive and the Secretary of State not 'calling in' the application
- (iii) Any necessary conditions to include:
 - Reserved Matters
 - Materials
 - Drainage
 - Operational hours during construction
 - Travel Plan
 - Gyrotory (including pedestrian crossings and new bus stop) constructed before occupation
 - Highway works at Five Ways implemented before occupation
 - Archaeology
 - Car park management plan
 - Cycle and motorcycle parking

- Service yard management plan
- The gross external area of the foodstore shall not exceed 7,249sqm
- The net sales area of the foodstore shall not exceed 3,473sqm, including, for the avoidance of doubt, any mezzanine provision
- The net sales area of the foodstore used for the display and sale of comparison goods shall not exceed 868sqm, including, for the avoidance of doubt, any mezzanine provision
- Large scale architectural details
- Landscaping – including boundary treatment
- Lighting details
- Proposed levels
- Measures to reduce disturbance on neighbours during construction
- Exterior of the building to be completed in accordance with approved plans and details prior to occupation
- Site investigation
- Submission of noise/ventilation details
- Site waste management plan
- Minimum 10% renewable energy
- Public art
- Targeted recruitment and training
- No felling of trees between March - September
- Bat boxes
- Bird boxes

**Planning Applications 11/00365/FUL, 11/00366/CON 11/00367/LBC
Former Royal Hospital Site, Cleveland Road/Sutherland Place, All
Saints, Wolverhampton**

The Head of Development Control and Building Control reported that since the agenda had been published

- The access currently proposed for the Royal Hospital development was acceptable. However, Tesco had prepared details of an alternative access which would reduce the impact on Mr Sidhu. The alternative access was broadly acceptable and the details were being considered. The outstanding matters detailed at 13.2, 2nd bullet point now included a decision by Tesco regarding which of the two access arrangements they wished to put forward for determination and the access details being acceptable
- Paragraph 13.2 Tesco had requested two alterations to the suggested conditions namely the deletion of the requirement to restore the exterior of the former Lodge and Nurses Home by the time the foodstore was open and clarification that the required highways works needed to be completed before the foodstore was occupied, rather than the whole development. There was no objection in replacing the word 'development' with 'foodstore' in the final condition. However, the restoration of the former lodge and nurses home were important parts of the regeneration case for the scheme. It was considered necessary and reasonable that the external restoration of these buildings was completed before the foodstore was open.

- A letter had been received on behalf of Mr Sidhu which reiterated Mr Sidhu's objection to the proposal and stated that if permission was granted he would request that the decision was judicially reviewed. The letter also requested that the application should be called-in by the Secretary of State for determination.
- A letter had been received on behalf of Tesco which argued that as the Raglan Street site was available the application at the Peel site should be refused.
- Tesco had stated that following the distribution of a community newsletter in All Saints, they had received 157 responses, of which only 3 were in opposition to the scheme. In addition, Tesco had wanted to make it known that they had undertaken two community exhibitions earlier in the year at which 189 comments were received, with only four people objecting
- A petition of 70 signatories had been received from local residents in support of the proposals
- A letter in support had also been received from SEWA who provide advice, translation and interpretation assistance for members of the local community
- A further 146 objections to the proposal had been received

Mr Sidhu and Mr Nimmo spoke in opposition to the application.

Mrs Johnson, Mr Bedi and Mr Hall all spoke in support of the application.

Members expressed support for the application and welcomed the regeneration and employment opportunities the development would bring.

102

Resolved

- (i) That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00365/FUL subject to:
 - (a) Referral to the Secretary of State in accordance with the 'Town and Country Planning (Consultation) (England) Direction 2009', because the site
 - is located in an edge of centre location,
 - consists of, or includes, retail, leisure or office uses and,
 - is not in accordance with one or more provisions of the development plan, and
 - exceeds 5,000 square metres gross of new development.
 - (b) Resolution of outstanding matters including a decision by Tesco regarding which of the two access arrangements they wished to put forward for determination and the access details being acceptable
 - (c) The negotiation and signing of a Section 106 Agreement to secure
 - Public Art
 - Targeted recruitment and training

- Financial contribution towards amending existing fingerpost signage within Ring Road to provide directions to new store
 - Provision of and amendments to TROs associated with s278 works at the Gordon St/Vicarage Road junction to ensure accessibility for deliveries to SS Sidhu store.
 - Provision of TROs for additional short stay parking spaces for SS Sidhu store on Steelhouse Lane and Gordon St.
- (d) Any appropriate conditions to include
- Foodstore: maximum gross external area (13,840sqm), net sales area (including any mezzanine floorspace) (9,000sqm), and floorspace for the display and sale of comparison goods (including any mezzanine floorspace) (4,050sqm)
 - Uses in the main building as proposed
 - Materials
 - Large scale architectural details
 - Landscaping – including boundary treatment
 - Lighting details
 - Proposed levels
 - Drainage
 - Details of cycle/motorcycle stores
 - Measures to reduce disturbance on neighbours during construction
 - Exterior of the building to be completed in accordance with approved plans and details prior to occupation
 - Details and restriction of servicing/delivery arrangements
 - Refuse strategy – including bin store details
 - Security management plan, including CCTV details
 - Site investigation
 - Implement recommendations of habitat/bat survey
 - Submission of noise/ventilation details
 - Maintenance of public realm
 - Car park management plan
 - Travel Plan
 - Site waste management plan
 - Minimum 10% renewable energy
 - Restore/repair exterior of Lodge and Nurses home prior to opening of the supermarket
 - Grampian condition for proposed highway works to be completed prior to occupation of the foodstore and provision of commuted sum for highway maintenance
- (ii) That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00366/CON subject to
- No overriding comments from outstanding consultees
 - Demolition shall not take place until a contract, including a timetable and methodology, for carrying out the demolition has been made and submitted to and agreed by the local planning authority or unless otherwise agreed in writing by the local planning authority.

- Prior to demolition a brief for the recording of the buildings, including the veranda building, shall be submitted to and approved in writing by the local planning authority. The recording of the building shall be undertaken in accordance with the approved brief.
- (iii) That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00367/LBC subject to
- No overriding comments from outstanding consultees
 - Prior to the commencement of those works approved as part of this application, a detailed strategy for the remediation and refurbishment of the building shall be submitted to and approved in writing by the local planning authority. As a minimum, this strategy should include
 - A demonstration of how demolition scars are to be remediated
 - An additional survey of the condition of the building and a review of the proposed remediation works following the demolition works, with the local planning authority
 - A full specification clarifying the nature, extent and the materials of any repairs to the fabric and features of the building
 - The proposed method of cleaning the building:

Planning Application 11/00430/FUL Land West of Raglan Street Wolverhampton

The Head of Development Control and Building Control reported that since the agenda had been published

- The Black Country Chamber of Commerce had expressed its support for the proposals
- Paragraph 8.3 Following a response from Environmental Health the recycling centre adjacent to neighbours would be removed from the layout. The applicant had agreed to submit amended plans.
- Paragraph 8.3 Environmental Health required further information on nitrogen dioxide levels and the air quality assessment should have included the biomass boiler in the modelling exercise. This information had been requested.
- Paragraph 11.5 should state Investment of £100 million not £100,000 million
- Paragraph 11.18 Issues relating to the availability of the Raglan Street Site had been dealt with in the verbal update on Peel and had been repeated.
- Sainsbury's had emphasised the benefits of their proposed scheme
- Paragraph 11.94 Concerns remained that the proposed housing layout may be too close to the preserved Oak tree. Amended plans would be submitted to ensure there would be no adverse impact on the protected tree
- Paragraph 13.1 the following issues remained as outstanding matters - Further air quality assessment details and Amended layout showing Oak tree unaffected

Mr Ableby spoke in opposition to the application.

Mr Moore spoke in support of the application.

Members expressed support for the application and welcomed the regeneration and employment opportunities the development would bring.

103 Resolved that the Interim Director for Education and Enterprise be given delegated authority to grant planning application 11/00430/FUL subject to:

- (i) Referral of the application to the Secretary of State in accordance with the 'Town & Country Planning (Consultation) (England) Direction 2009' because the site:
 - is located in an edge of centre location,
 - consists of, or includes, retail, leisure or office uses and,
 - is not in accordance with one or more provisions of the development plan.
 - exceeds 5,000 square metres of new development.

- (ii) Negotiation and signing of a Section 106 Agreement to secure
 - Highway improvements detailed in paragraph 2.11
 - 25% affordable housing
 - open space and play contribution
 - variable message signs
 - public access
 - travel plan
 - public art
 - targeted recruitment and training

- (iii) Any necessary conditions to include:
 - Reserved Matters
 - Materials
 - Site investigation
 - Drainage
 - Operational hours during construction
 - Tree Protection
 - Archaeology
 - Car park management plan (superstore)
 - Car park management plan (Attwood House)
 - Cycle and motorcycle parking (superstore)
 - Cycle and motorcycle parking (Attwood House)
 - Bin stores (Attwood House)
 - Service yard management plan (including hours of delivery to the superstore and petrol filling station)
 - Maximum gross external area (14,712sqm)
 - Define net sales area, including any mezzanine floorspace (8,361sqm)
 - Maximum floorspace for comparison goods, including any mezzanine floorspace (3,570sqm)
 - Large scale architectural details

- Schedule of renovation works for Attwood building
- Landscaping – including boundary treatment
- Lighting details
- Noise mitigation for fixed plant and machinery
- Acoustic barrier along the north west boundaries
- Prior to demolition survey of buildings for black redstarts
- Proposed levels
- Height of chimney stack
- Measures to reduce disturbance on neighbours during construction (to include hours of operation during construction and hours of on-line delivery facility)
- Exterior of the building to be completed in accordance with approved plans and details prior to occupation
- Submission of noise/ventilation details
- Site waste management plan
- Minimum 10% renewable energy