

MINUTES

meeting: **PLANNING COMMITTEE**

date: **6 DECEMBER 2011**

PRESENT:-

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

OFFICERS IN ATTENDANCE:-

Delivery Directorate

L Cross - Solicitor
J Wright - Democratic Support Officer

Education and Enterprise Directorate

S Alexander - Head of Building and Development Control
L Barnstable - Service Manager - Transportation
Development
I Holliday - Section Leader – Development Control
M Gregory - Section Leader – Development Control
A Murphy - Section Leader – Development Control

Wolverhampton
City Council



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

124 **Apologies for Absence**

Apologies for absence were received from Councillor Leach and Mrs Mills

Declarations of Interest

125 The following interests were declared:-

<u>Agenda Item No</u>	<u>Subject</u>	<u>Councillor</u>	<u>Interest</u>
7	Planning application 11/00887/FUL	Councillor Mrs Findlay	Prejudicial – knows the applicant
7	Planning application 11/00887/FUL	Councillor Hardacre	Prejudicial– knows the applicant
7	Planning application 11/00887/FUL	Councillor Husted	Prejudicial– knows the applicant

Minutes

126 Resolved:-

That the minutes of the meeting held on 8 November 2011 be approved as a correct record

Matters Arising

127 Members were reminded that a special meeting of the committee would be held on 20 December to give further consideration to Planning Application 11/00828/FUL Compton Park, Wolverhampton

Planning Application 11/00568/FUL Land Adjacent To And Rear Of 6, Bridgnorth Road, Wolverhampton. It was agreed that a copy of the decision notice relating to the application be sent to Councillor Mrs Thompson.

Schedule of Outstanding Minutes (Appendix 36)

128 Resolved:-

That the schedule of outstanding minutes be noted.

Schedule of Planning Applications (Appendix 37)

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.

The Solicitor reminded members that references to the Town and Country Planning (Environmental Impact Assessment) (England and

Wales) Regulations 1999 should be updated to refer to the 2011 Regulations.

**Planning Application 11/00901/RP 40 Lyndhurst Road
Wolverhampton**

The Solicitor informed the committee that paragraph 10.3 of the report should not have been included and therefore should be deleted.

Mr Swan spoke in opposition to the application

Mrs Blakeway spoke in support of the application

Members were of the opinion that whilst, they were generally supportive of attempts to develop new businesses within the city and that whilst in some cases it was appropriate to run small businesses from a domestic premise the nature of the business being operated was not appropriate in this location.

129

Resolved:

(a) That Planning Application 11/00901/RP be refused for the following reasons:

1. The change of use of part of the property to a gymnasium (Use Class D2) is considered to be seriously detrimental to the occupiers of the neighbouring properties. The location of the gymnasium has resulted in a loss of privacy for the neighbouring properties due to overlooking of their private gardens. The proposal is contrary to Policy H6 of the retained Wolverhampton UDP.
2. The proposal has already resulted in noise and general disturbance to the occupiers of 40 Lyndhurst Road and the neighbouring properties. The intensification of the use is likely to increase the detrimental impact on the amenity of occupiers of 40 Lyndhurst Road and neighbouring properties. The proposal is contrary to Policies EP1, EP5 and R9 of the retained Wolverhampton UDP. The proposal is also contrary to ENV6 of the adopted BCCS.
3. There is insufficient parking/disabled parking to meet the likely demand for the proposal. The proposal is contrary to Policy AM12 and D11 of the retained Wolverhampton UDP.
4. The proposal constitutes a centre use in an out of centre location. As such the proposal is not in a sustainable location and is likely to be detrimental to the vitality and viability of surrounding centres. The proposal is contrary to Policies CEN1, CEN4 of the adopted BCCS

(b) That formal enforcement action be authorised to cease the unauthorised change of use.

Planning Application 11/00848/FUL Land Adjacent To 69 Stubby Lane Wolverhampton

The Section Leader informed the Committee that the recommendation had been amended to grant the application.

Cllr. Gakhal spoke in opposition to the application

Mr Gay spoke in support of the application

Following questions the committee was advised that officers considered granting the application would not significantly add to the number of vehicles visiting the row of shops.

Some members felt that the additional traffic generated would not significantly add to congestion in the area.

130

Resolved:-

That Planning Application 11/00848/FUL be granted subject to the following conditions:

- Materials
- Landscaping
- Boundary Treatment
- Bin store to be retained
- Hours of operation

Planning Application 11/00538/FUL Land Adjacent 6 Lawrence Avenue Heath Town Wolverhampton

Mrs Griffiths spoke in opposition to the application.

Members were of the opinion that because of the unusual nature of the site it would be appropriate for the Committee to visit the site before making a decision on the application.

131

Resolved:-

That consideration of the application be deferred to enable a site visit to be held prior to the next meeting of the Committee.

Planning Application 11/00539/FUL Shop South Corner Of Bushbury Road Lawrence Avenue Heath Town Wolverhampton

Mrs Griffiths spoke in opposition to the application

Members were of the opinion that because of the unusual nature of the site it would be appropriate for the Committee to visit the site before making a decision on the application.

132

Resolved:-

That consideration of the application be deferred to enable a site visit to be held prior to the next meeting of the Committee.

**Planning Application 11/00822/FUL Clearance Bed Warehouse Unit
1 Ice House Industrial Estate 148 Oxford Street Bilston**

It was suggested that the Committee should visit the site to understand whether or not the proposed use would be appropriate in this location.

133 Resolved:-

That consideration of the application be deferred to enable a site visit to be held prior to the next meeting of the Committee.

**Planning Application 11/00973/VV I54 Land Bounded By The
Staffordshire And Worcester Canal And Wobaston Road
Wolverhampton**

134 Resolved:-

That the Interim Director of Education and Enterprise be given delegated authority to grant planning application 11/00973/VV subject to:

- (i) Completion of a deed of variation to the existing s106 agreements to tie this permission to previous s106 agreements.
- (ii) Variation of conditions 7, 8, 17, 21, 39, 42, 46, 47, 48, 49 and 50, subject to further justification and changes in the detailed wording.
- (iii) Any relevant conditions from 09/00896/VV.

**Planning Application 11/00996/REM I54, Land Bounded By
Staffordshire And Worcester Canal Lawn Lane M54 Wobaston
Road Wolverhampton**

135 Resolved:-

That planning application 11/00996/REM is granted subject to any appropriate conditions including the following:

- Planting of gaps in the hedgerow adjacent to Wobaston Road

**Planning Application 10/00972/FUL Moseley Hall Farm House
Moseley Road Bushbury Wolverhampton**

136 Resolved:-

That the Interim Director for Education and Enterprise to be given delegated authority to grant planning application 10/00972/FUL, subject to:

- (i) Completion of a Section 106 agreement to secure:
 - Public art and an off-site public open space and play contribution, on a pro-rata basis, for all dwellings not completed within 3 years of the date of this Planning Committee.
 - Targeted recruitment and training.
- (ii) Any appropriate conditions including:
 - Sample panel of materials – including roof tiles, bricks, mortar.

- Architectural Details – Roof lights, Joinery, windows, doors etc
- Landscaping Scheme
- Details of Boundary Treatment
- Drainage
- Car parking to be provided prior to occupation
- No external lighting without prior approval
- Details of cycle/motorcycle stores
- Bin stores
- No external meter boxes, vents, flues, aerials, satellite dishes etc without written approval.
- No extensions, gates, fences, walls or other means of enclosure (other than those shown on the approved plans)
- Maintain visibility splay
- Details of TV aerials and satellite dishes to be approved.
- Permitted development rights removed for extensions, outbuildings etc
- Targeted recruitment and training

**Planning Application 11/00687/VV 106 Birmingham Road
Wolverhampton**

137

Resolved:-

That Planning Application 11/00687/VV be granted, subject to any appropriate conditions including:

- The goods to be sold from this site shall be restricted to non-food goods only consisting of the following:
 - furniture;
 - carpets;
 - electrical goods and domestic appliances;
 - paints;
 - wall coverings;
 - curtains;
 - fabrics;
 - floor coverings;
 - tools;
 - hardware;
 - light fittings;
 - garden and leisure products;
 - homeware and DIY goods;
 - auto parts, spares and accessories;
 - footwear – only to be sold from a single, discrete retail unit with a minimum gross internal ground floor area of 510sq.m and a maximum gross internal floor area of 1,071sq.m including any mezzanine floors.
- Submission of delivery strategy
- Establishment of clockwise circulatory pattern for car park users
- Cycle and motorcycle parking
- Any relevant conditions from the existing permission

**Planning Application 11/00887/FUL 10 Broad Street City Centre
Wolverhampton**

Having previously declared interests in this application Councillors Mrs Findlay, Hardacre and Husted left the room and took no part in the consideration of this application.

Some members expressed concern that it was difficult to balance the need to maintain and improve the conservation area with the needs of retailers to ensure the security of their premises.

138 Resolved

That planning application 10/01266/FUL be refused for the following reason:

The proposed shutter fails to create a strong sense of place and would have a detrimental impact on the appearance of the shop front, the street and the city centre as a whole, creating a threatening and forbidding appearance. The shutter would also fail to preserve or enhance the character of the Conservation Area and adversely affect the vitality and viability of the City Centre. The proposal is therefore contrary to BCCS Policies ENV3, CSP4, UDP Policies D4, D9, D10, HE5, CC4 and SPG No.5

**Planning Application 11/00933/FUL & 11/00938/LBC Low Level
Station Site Bounded By Sun Street Wednesfield Road
Wolverhampton**

Members welcomed these applications which would bring empty buildings back in to use.

139 Resolved:-

That planning application 11/00933/FUL & listed building consent application 11/00938/LBC be granted subject to any appropriate conditions including;

- Joinery and fixture details and other specific works in the listed building
- Details of glazed lobby
- Bin store details
- Plant, machinery and flue details
- Car park management strategy
- Boundary railings
- Amplified sound only ancillary to approved use
- Acoustic insulation in accordance with details submitted
- In-house amplification with sound-limiting system to be used only
- Hours of use for function room/banqueting hall 09.00-02.00
- Plant and machinery noise levels and acoustic treatment
- Details of any new external lighting
- Scheme of sound insulation for caretakers flat
- Scheme of cooking odour control
- Restrict use to as proposed
- No parking to the paved area in front of the main access

Planning Application 11/01025/DWF Park And Ride Showell Road Wolverhampton

140

Resolved:-

That planning application 11/01025/DWF be granted planning permission

Planning Application 10/00815/FUL & 10/00826/LBC Guru Teg Bahadur Sikh Temple Upper Villiers Street Wolverhampton

Members welcomed the applications.

141

Resolved:-

That Listed Building Consent application 10/00826/LBC, be submitted to the Secretary of State for consideration and if not called in planning application 10/00815/FUL be granted, subject to:

- Formal contract for the rebuilding of the rear range has been entered into
- Details of remediation works to the adjoining buildings
- Prior to demolition, the existing structure to be properly recorded in accordance with a brief provided by WCC Historic Environment service and deposited with the Historic Environment Record
- Detail drawings of the lift and stairs to be submitted for approval
- Detail drawings of the car park entrance and canopy to be submitted for approval
- Roof specification to be natural slates, clay ridge tiles, plain verges and lead valleys
- Samples of all materials to be submitted for approval
- Details of proposed north lights/rooflights to be submitted for approval
- Details of cycle parking
- Details of security lighting
- Details of parking bays to be marked out
- The use of third party land for additional parking
- Operational hours during construction

Planning Application 11/00113/LBC Wolverhampton City Council Town Hall And Magistrates Court North Street Wolverhampton

The Section Leader reported, that since the report had been written English Heritage had indicated that they had no objections to the proposals.

142

Resolved:-

That Listed Building Consent application 11/00292/LBC, be submitted to the Secretary of State with a recommendation for approval

Consultation From Other Local Authorities For Committee Consideration (Appendix 38)

The Strategic Director Education and Enterprise submitted a report on consultations from other local authorities on planning applications submitted within their area which may have an impact on Wolverhampton.

- 143 Resolved:-
That the recommendations set out in the report be endorsed.

Planning Applications Determined Under Officer Delegation, Withdrawn etc (Appendix 39)

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 .

- 144 Resolved:-
(a) That the report be noted.
(b) That confirmation be sent to Councillor Mrs Thompson of whether planning application 11/00637/FUL 76 Wood Road Wolverhampton was within a conservation area and if so whether the application conformed with the requirements of the conservation area
(c) That confirmation be sent to Councillor Hardacre of whether planning application 11/00971/FUL West Lodge 76 Tettenhall Road Wolverhampton was within a conservation area and if so whether the application conformed with the requirements of the conservation area

Planning Appeals (Appendix 40)

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.

- 145 Resolved:-
That the report be noted.