

MINUTES

meeting: **PLANNING COMMITTEE**

date: **31 JANUARY 2012**

PRESENT:-

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

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)

167 **Apologies for Absence**

Apologies were received from Councillor Hodgkiss, and Yardley

168 **Declarations of Interest**

The following interests were declared:-

<u>Agenda Item No</u>	<u>Subject</u>	<u>Councillor/Officer</u>	<u>Interest</u>
6	Planning application 11/01114/FUL Land To The Rear Of 58-70 Bunkers Hill Lane And 10- 14 Springfield Road Wolverhampton	Councillor Leach	Prejudicial
6	Planning application 11/01172/FUL 16 Wrekin Drive Tettenhall Wolverhampton	L Cross	Personal – is known to one of the speakers on the application

Minutes

169 Resolved:-

That the minutes of the meeting held on 3 January 2012 be approved as a correct record

Matters Arising

170 None

Schedule of Outstanding Minutes (Appendix 47)

171 Resolved that the schedule of outstanding minutes be noted.

Schedule of Planning Applications (Appendix 48)

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 11/01114/FUL Land To The Rear Of 58-70 Bunkers Hill Lane And 10-14 Springfield Road Wolverhampton

The Section Leader reported that since the report had been written amended plans had been received which showed access to the site would only be from Bunkers Hill and therefore the recommendation had been amended to grant the application.

Mr Beech spoke in opposition to the application

Councillor Page spoke in opposition to the application

Some members expressed the need to landscape the former access from Springfield Road and it was noted that this could be included in the landscaping conditions. They also expressed support for the formal closure of the right of way from Springfield Road but noted that was outside the remit of this Committee.

172

Resolved:

That planning application 11/01114/FUL be granted subject to any appropriate conditions including;

- Materials
- Boundary treatment details
- Landscaping
- Scheme for refuse collection
- Access from Bunkers Hill Lane only
- Speed ramp
- Mining site investigation
- Widening of access from Bunkers Hill Lane
- Hours of operation during construction
- Land contamination site investigation

Planning Application 11/01122/FUL Land Adjacent To 41 Bulger Road Wolverhampton

Mr Richards spoke in opposition to the application

Mr Onions spoke in support of the application

Some members expressed concerns about the application and felt that three properties on the site would be inappropriate and would be overdevelopment. There was also concern that the loss to residents of use of amenity space in Nelson Avenue for the parking of cars would cause additional traffic problems in the street

The Solicitor reminded members that if they chose to refuse the application, contrary to the officer recommendation, they would need to ensure that the reasons for refusal could be defended in the event the decision was appealed against or the Council could face costs being awarded against it.

- 173 Resolved:
That grant planning application 11/01122/FUL be refused for the following reasons
- Overdevelopment
 - Loss of amenity space
 - Will contribute to a less safe environment
 - Traffic movement/car parking in Nelson Avenue
 - Out of character with other houses in Nelson Avenue

**Planning Application 11/00972/FUL 1 Gatcombe Close
Wolverhampton**

Miss Noble spoke in opposition to the application

Some members expressed concern at the possible impact of the proposed development on neighbouring properties.

- 174 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 11/01034/FUL 7 Ryecroft Cottages
Coton Road Wolverhampton**

Mr Graham spoke in opposition to the application

Mr Sharma spoke in support of the application

Some members expressed concern at the possible impact of the proposed development on neighbouring properties.

- 175 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 11/01172/FUL 16 Wrekin Drive Tettenhall
Wolverhampton**

Mrs Agarwal spoke in opposition to the application

Mrs Wilkins spoke in support of the application

Some members were concerned that they would not be able to fully understand the impact of the proposal until they had visited the site. They requested that at the site visit the boundaries of the proposed extension be marked out and that details of the hidden guttering be available.

- 176 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 11/01030/FUL 41 Woodthorne Road
Wolverhampton**

Mr Shortridge spoke in opposition to the application

Mr Sedgemore spoke in support of the application

Some members were concerned that they would not be able to fully understand the impact of the proposal until they had visited the site.

177

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 11/00627/OUT Jennie Lee Centre Lichfield
Road Wednesfield**

The Section Leader reported that since the report had been written the Environment Agency had withdrawn their objection

Some members expressed concern at the loss of playing fields and the proposal that they be replaced with sites outside the Wednesfield area.

178

Resolved:

That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application

11/00627/FUL subject to:-

1) Cabinet/Full Council Resolution to secure the funding mechanism for provision of replacement artificial grass pitch and playing fields;

2) Cabinet or Cabinet Resources Panel decision that the sale agreement for the application site shall include a requirement for the purchaser to enter into a s106 as outlined below on completion of the land transaction;

For the development site as a whole:

- 25% Affordable Housing (80% affordable rent and 20% shared ownership)
- Loss of Open Space (not playing fields) contribution £412,216
- Canalside Improvements contribution £60,000
- Road Safety measures £20,000
- Targeted recruitment and training
- Management company for communal areas including any unadopted roads

For all dwellings completed within 3 years of the date of this committee on a pro-rata basis:

- Pro-rata reduced off-site open space and play contribution of £307,784.

For all dwellings completed after 3 years of the date of this committee on a pro-rata basis:

- Off-site open space and play contribution pro-rata £368,824 is payable
- Public Art pro-rata £161,000
- Residential Travel Plan (£750 per dwelling)

3) Any necessary conditions to include:-

- Limit maximum number of dwellings to 200
- Floor plans of dwellings
- Limit minimum area of open space to 1.6 hectares
- Building recording prior to demolition
- Site waste management plan
- Renewable energy (10%)
- Follow-up badger survey (prior to commencement)
- Bat boxes/bricks
- Materials
- Landscaping (including hard and soft features in the SUDs area)
- Ecology Walkover and Phase 1 Habitat Survey
- Acoustic Survey
- Residential travel plan
- Measures to protect residents during construction including hours of construction
- Levels (existing and proposed)
- Site investigation report
- Tree Report
- Tree survey and report
- Drainage (including details of SUDs sufficient to reduce surface water flows back to equivalent greenfield rates)
- Details of replacement playing fields scheme (including associated changing rooms and parking facilities)
- Planning permission shall have been granted and a contract let for the construction of the replacement playing fields.
- A management and funding plan for the replacement playing fields shall be submitted for approval
- Details of replacement Artificial Grass Pitch and a management plan
- On site open space scheme
- Cycle Parking (apartments)
- Refuse storage (apartments)
- Boundary Treatment

Planning Application 11/00639/OUT Land Between 68 And Woodcross Health Centre Woodcross Lane Wolverhampton

179

Resolved:

That planning application 11/00639/OUT be granted subject to any necessary conditions to including:

- Landscaping implementation
- Drainage

- Levels
- Floor plans
- External lighting
- Details of cycle/motorcycle stores
- Travel Plan
- Details of measures to reduce impact of construction on neighbours
- Amenity space provided as shown
- 10% renewable energy
- Site remediation
- Site waste management plan
- Restriction on hours of servicing and refuse
- No more than nine C3 units
- Undertake remedial measures in Coal Mining Risk Assessment
- Undertake requirements in Flood Risk Assessment
- Undertake recommendation within Ecological Survey
- Acoustic measures
- Public Art

**Planning Application 11/01022/EXT Former Goodyear Tyre Factory
Stafford Road Wolverhampton**

The Section Leader reported that the requirement for 10% renewable energy should be included in the Section 106 agreement rather than as a condition.

180

Resolved:

That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 11/01022/EXT subject to:

- 1) Negotiation and completion of a Section 106 agreement to bind this application to requirements of application 05/1989/OP and to require 10% renewable energy
- 2) Any relevant conditions including
 - Relevant conditions from outline application 05/1989/OP
 - Ten years, from the date of any renewal, to submit Reserved Matters and implementation within either 10 years or 2 years from the date of approval for the last Reserved Matters submission.
 - 10% Renewable Energy

**Planning Application 11/00072/OUT Land to the Rear Of Works
and Telephone Exchange Railway Drive Bilston**

The Section Leader reported that no overriding objections had been received and the period for response had expired.

Some members expressed concern about the suitability of flats at this location and at the fact that the proposed development had fewer parking spaces than flats.

Some members felt that if the proposal were granted that it would be important that adequate public consultation should take place on public art and the open space /play contribution. The Section Leader undertook to raise the issue with the developer.

181

Resolved:

That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 11/00072/OUT subject to:

1) The completion of a S106 agreement to secure:

For the whole development:

- Targeted recruitment and training
- A management company to carry out management and maintenance of communal areas

If the development is financially viable:

- Public open space/play contribution of £114,392.92
- 25% affordable housing
- Public art

If the development is not financially viable:

- Reduced public open space and play contribution (amount based on financial viability) on a pro-rata basis for any flats that are ready for occupation within 3 years of the date of this Committee, with the full requirement applying to those that are not ready for occupation.
- Reduced affordable housing or public art requirement (amount based on viability) shall apply to the development as a whole providing that the exterior of the building is completed and at least 21 of the flats are ready for occupation within 3 years of the date of this Committee, with the full requirement applying if this is not achieved.

2) Any necessary conditions to include:

- Access road construction details
- External lighting
- Landscape implementation
- Tree protection
- Ground investigation and remediation
- Noise / Air Surveys and implementation of mitigation works
- Levels (existing and proposed)
- Implement ecological recommendations
- Cycle and motorcycle parking
- Refuse storage
- Provision of boundary treatments and gates to car park
- Site waste management plan
- 10% Renewable Energy
- Drainage

**Planning Application 11/01042/FUL 16-16A Darlington Street
Wolverhampton**

182

Resolved:

That Planning Application 11/01042/FUL be granted subject to any necessary conditions to include:

- Approval of materials

**Planning Application 11/01063/VV 13 - 15 Birches Barn Road
Wolverhampton**

The Section Leader reported that since the report had been written the applicant had altered the proposed hours for Sunday deliveries and collections and submitted a noise report which was acceptable to Environmental Health, on the basis of which they had withdrawn their objections. The report included provision of an acoustic fence and that the loading areas are to be surfaced with tarmac to reduce noise levels. The recommendation was amended to grant, subject to addition conditions relating to the erection of the acoustic fencing and the use of tarmac on the service area.

183

Resolved:

That planning application 11/01063/VV be granted subject to appropriate conditions including:

- 1) Acoustic fencing to be in place before the use commences
- 2) Surface treatment of loading areas to be tarmac
- 3) Variation of conditions 12 and 13 to the proposed hours referred to in paragraph 2.5
- 4) Any relevant conditions from 10/01070/FUL

**Planning Application 11/00747/FUL 36 Broad Lane North
Wolverhampton**

Mr Taylor spoke in opposition to the application

Mr Upton spoke in support of the application

Some members felt that the site visit previously carried out by the Committee had been extremely useful.

184

Resolved:

That planning application 11/00747/FUL be granted subject to any appropriate conditions including:

- Materials
- Removal of PD rights in respect of the use of the garage
- Restrict first floor patio doors and balcony at the rear of the house
- Permission does not allow for the demolition of the existing dwelling.

Consultation From Other Local Authorities For Committee Consideration (Appendix 49)

The Interim Strategic Director Education and Enterprise submitted a report on a consultation from Walsall Council on a planning application submitted within their area which may have an impact on Wolverhampton.

185 Resolved:-

That this Council has no objection to the application detailed in the report submitted, providing that conditions are attached to a permission to ensure conformity with the Black Country Core Strategy

Deed of Variation to Section 106 Agreement 03/0156/OP – Former GKN Site off Birmingham New Road (Appendix 50)

The Committee considered a report on a request to vary an existing Section 106 agreement

186 Resolved:-

That the Interim Strategic Director for Education and Enterprise be granted delegated authority to vary the existing Section 106 agreement to remove the requirement to transfer the very sheltered housing land to the Council.

Variation of Agreement under Section 106 of the Town and Country Planning Act 1990 relating to residential development at Bilston Town Bowling Club, Villiers Avenue, Bilston (Appendix 51)

The Committee considered a report on a request to vary an existing Section 106 agreement

187 Resolved:-

That the Deed of Variation to the 106 Agreement dated 19 May 2009 between (1) Wolverhampton City Council (2) Andrew Inskip (3) Violet Moseley (4) Donald Gibbons (5) Stanley Bamford (the First Second Third and Fourth Owners) and (6) Marstons Plc (the Mortgagee) in respect of Planning Consent ref; 08/00911/FUL for residential development comprising five bungalows and the provision of a new practice bowling green on land at Bilston Town Bowling Club, Villiers Avenue, Wolverhampton, as detailed in section 2.6 of the report submitted, be approved.

A Flexible Approach to Section 106 Agreements – Update (Appendix 52)

The Interim Strategic Director Education and Enterprise submitted a report on of flexible approaches to agreements made under Section 106 of the Town and Country Planning Act 1990 between 16 September 2011 and 13 January 2012.

188 Resolved:-

That the report be noted

Draft Renewable and Low Carbon Energy Supplementary Planning Document (Appendix 53)

The Interim Strategic Director Education and Enterprise submitted a report on the draft Supplementary Planning Document "Renewable and Low Carbon Energy"

- 189 Resolved:-
That the report be noted

Objection to the Wolverhampton City Council, 10 and 12 The Dingle, Tree Preservation Order: 2011 (Appendix 54)

The Interim Strategic Director Education and Enterprise submitted a report on objections received to a Tree Preservation Order

- 190 Resolved:-
That the consideration of the Wolverhampton City Council (10 and 12 The Dingle) Tree Preservation Order 2011 be deferred to enable a site visit to be held prior to the next meeting of the Committee.

Planning Applications Determined Under Officer Delegation, Withdrawn etc (Appendix 55)

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 .

- 191 Resolved:-
That the report be noted.

Planning Appeals (Appendix 56)

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.

- 192 Resolved:-
That the report be noted.

Exclusion of Press and Public

Resolved

That in accordance with Section 100A (4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within the paragraph 4 of Schedule 12A to the Act (information relating to the financial or business affairs of any particular person/labour relations implications) is likely to be disclosed.

**Procedure In Respect Of Award of Costs at Planning Appeals
(Appendix 57)**

The Interim Strategic Director Education and Enterprise submitted a report on details of the Procedure In Respect of Award of Costs at Planning Appeals which had been approved by Cabinet (Resources) Panel on 20 December 2012.

193

Resolved:-

That the content of the report submitted to Cabinet (Resources) Panel on 20 December 2011 and procedure set out therein be noted.