

Wolverhampton City Council

INFORMATION ITEM

Committee / Panel	<u>PLANNING COMMITTEE</u>	Date: 28TH FEBRUARY 2012
Originating Service Group(s)	EDUCATION AND ENTERPRISE	
Contact Officer(s)	RICHARD PITT (SENIOR PLANNING OFFICER)	
Telephone Number(s)	(01902) 551674	
Title/Subject Matter	<u>INFORMATION REPORT – USE OF URGENT MATTERS PROCEDURE. RESIDENTIAL DEVELOPMENT (97 DWELLINGS) AND ASSOCIATED ROADS AND OPEN SPACE AT GATIS STREET, INCLUDING THE VICTORIA, FORMER SKILLS CENTRE AND COUNCIL DEPOT (11/00871/FUL)</u>	

Recommendation

Members note the decision taken regarding this application, under the urgent matters procedure that:

In accordance with the provisions of the Urgent Business Procedure, set out in paragraph 21.4 of the Council Procedure Rules, delegated authority was given to the Interim Strategic Director for Education and Enterprise to approve the application subject to those matters discussed above and those set out in Paragraph 13.1 of the report to Planning Committee on the 8th November 2011.

1 Purpose of Report

- 1.1 The purpose of this report is to inform Members of the decision taken regarding this application, under the urgent matters procedure.

2 Background

- 2.1 This application was submitted to Planning Committee on the 8th of November 2011. Committee delegated authority to the Interim Strategic Director for Education and Enterprise subject to:

- (i) Negotiation of a Section 106 agreement to include:
- Targeted recruitment and training.
 - 11 affordable housing units, provided that the development is substantially complete by 8th of December 2014 or 25% affordable housing (or a financial contribution for off-site provision) if it is not.
 - No off-site open space and play contribution, or public art or renewable energy generation (on a pro-rata basis) for all dwellings substantially complete by 8th of December 2014, with the full requirement (on a pro-rata basis) for all dwellings that are not.
- (ii) No overriding objections regarding emergency access.
- (iii) Any necessary conditions to include:
- Materials
 - Landscape implementation of construction on residents
 - Drainage
 - Site Remediation
 - Site waste management plan
 - Sustainable Travel Information packs for all new residents

3 Update

Emergency Access

- 3.1 No overriding objections were received with regard to the emergency access arrangements.

Signing of a S106

- 3.2 Following the Planning Committee on the 8th of November 2011, the owner/developers (Bellway Homes) sought additional comfort that, in the event that they have not substantially completed the development within 3 years (by 8 December 2014), they could submit a revised viability report and, if this demonstrates a profit of less than 20%, that the planning obligations would be reduced to the extent that the development would yield a 20% profit and for further time to be granted to complete the development following any reduction. If the viability report demonstrated more than 20% profit they would have to comply with planning agreement as drafted and as detailed above.

- 3.3 This provision would apply to all of the planning obligations including affordable housing. The decision in respect of which obligations or combination of obligations to potentially reduce would remain with the Council having regard to the advice of the District Valuer and our priorities at that time.
- 3.4 The existing delegated authority from Planning Committee did not allow for the Interim Strategic Director for Education and Enterprise to grant planning permission subject to the proposed arrangement.
- 3.5 Whilst it is unusual for the Council to agree what it would do at a date in the future, the current economic climate and challenging location of the site, meant that Officers were of the view that, as an exception, having regard to all the circumstances in this particular case the proposed way forward would on balance be acceptable subject to appropriate approval. But, that this approach should not be taken as setting a precedent in any way about how any other developments would be approached.
- 3.6 In addition an additional provision was required to ensure that any required highway agreements are put in place for the development.
- 3.7 This matter was urgent because the Owner/Developers are keen to get on site as soon as possible and commence development. Therefore it was not felt appropriate to delay the matter by waiting for the next available Planning Committee on the 28th February 2012. Therefore in accordance with the provisions of the Urgent Business Procedure, set out in paragraph 21.4 – of the Council Procedure Rules, delegated authority was given on 10th February to the Interim Strategic Director for Education and Enterprise to approve the application subject to those matters discussed above and those set out in Paragraph 13.1 of the report to Planning Committee on the 8th of November 2011.
- 3.8 At the time of writing, Bellway and the landowner have agreed the draft agreement and the legal agreement is being engrossed.

4 Financial, Legal , Equal Opportunities, Environment Impacts

- 4.1 There are no financial, equal opportunities or environmental implications to this report which is for information only. (LM/17022012/S)