

MINUTES

meeting: **PLANNING COMMITTEE**

date: **7 AUGUST 2012**

PRESENT:-

Councillor Judith Rowley (Chair),
Councillors Banger, Clarke, Gwinnett, Hardacre, Inston, John Rowley,
Mrs Thompson and Turner

OFFICERS IN ATTENDANCE:-

Delivery Directorate

L Delrio - Solicitor
J Wright - Democratic Support Officer

Education and Enterprise Directorate

S Alexander - Head of Planning
J Davies - Senior Planning Officer
M Gregory - Section Leader – Development Control
G James - Service Manager - Transportation
C Morrison - Section Leader – Development Control
A Murphy - Section Leader – Development Control
R Pitt - Senior Planning Officer

Wolverhampton
City Council



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

46 **Apologies for Absence**

Apologies were received from Councillors Darke, Leach and Yardley

47 **Welcome to new members of the Committee**

The Chair welcomed Councillors Inston, John Rowley and Turner who had recently been appointed to the Committee

48 **Planning Award**

The Chair reported that the Council had recently won the West Midlands Planning Authority of the Year Award given by the Royal Town Planning Institute. The Chair paid tribute to the work that had been done by officers to improve the performance of the planning service during the past year.

Declarations of Interest

49 The following interests were declared:-

<u>Agenda Item No</u>	<u>Subject</u>	<u>Councillor/Officer</u>	<u>Interest</u>
6	Planning Application 12/00171/FUL Niphon Works 43 - 68 Lower Villiers Street Wolverhampton	Banger	Non Pecuniary – relative is Director of applicant company

Minutes

50 Resolved:-
That the minutes of the meeting held on 26 June 2012 be approved as a correct record

Matters Arising

51 None

Schedule of Outstanding Minutes

52 Resolved that the schedule of outstanding minutes be noted.

Planning Applications For Determination

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 12/00521/REM Land To The Rear Of 201 Castlecroft Road Castlecroft Wolverhampton

Mr Guest spoke in opposition to the application.

The Section Leader informed the Committee that since the report had been written the ecology report had been received and was acceptable. He reminded Councillors that ownership of land over which access may be achieved to the site was not a material planning consideration and would be resolved through a separate legal process. It should not be taken into account when determining the application.

53

Resolved:

That Planning Application 12/00521/REM be granted, subject to the following conditions:

- Materials and boundary treatment details
- Implementation of landscaping
- Tree protection measures during construction

Planning Application 12/00596/FUL Halfway House 151 Tettenhall Road Wolverhampton

The Section Leader informed the Committee that since the report had been written an additional letter of objection and an addition letter of support had been received. A letter had been received from CAMRA raising concerns about highways issues. He also indicated an amendment to one of the proposed conditions

Mr Witherford spoke in opposition to the application.

Councillors expressed concern regarding traffic turning right on to Paget Road and the enforceability of the proposed advisory "turn left" sign. Officers indicated that an additional condition could be applied to any permission that was granted requiring a signage and road marking scheme to be submitted before the proposed use of the building commenced.

54

Resolved:

That Planning Application 12/00596/FUL be granted, subject to the following conditions:

- Materials
- Joinery details
- Landscaping and boundary treatment
- Hours of opening/delivery
- Retail use pharmacy and opticians only
- Hours of operation during construction

- Cycle parking
- Signage and road marking scheme to be submitted before the proposed use of the building commenced
- Noise insulation measures for residential accommodation
- Tree protection measures during development and 'no dig' method

Planning Application 11/01198/FUL The Warstones Inn Warstones Road Wolverhampton

Mr Witherford spoke in opposition to the application.

Councillors expressed concern that as the building was still in operation as a public house not enough detailed information had been supplied by the applicant to suggest that the current use was no longer viable. Some councillors felt that an independent assessment of the viability of the current business should be submitted. There was also concern that the business may not have been advertised in a way that would attract freehold use of the building as a pub.

Concern was also expressed that the description of the proposed use in the application did not match with details of what was proposed set out in the report. Councillors were of the opinion that if the proposed use was that of a vets surgery then the application should reflect that.

55

Resolved:

That consideration of planning application 11/ 01198/FUL be deferred to enable the applicant to supply further information on the following:

- An independent assessment of the financial viability of the current use as a public house
- Evidence that the marketing of the building had not prevented freehold use of the building as a pub
- Clarification of the description of the proposed use of the building

Planning Application 12/00064/FUL United Services Club Humber Road Wolverhampton

The Head of Planning reported that since the report had been written an additional letter of support had been received from Councillor Mattu.

Mrs Smith spoke in opposition to the application.

Mr Shafi spoke in support of the application

Some Councillors expressed concern regarding the amount of available parking on the site and were informed that this could be addressed by imposition of a condition requiring the submission of a traffic management scheme which would be updated on an annual basis.

Concern was also expressed regarding possible noise impact on neighbouring residents and it was confirmed that a condition could be applied to any permission that was granted requiring a notice to be displayed in the car park requesting consideration be given to neighbouring residents.

56

Resolved:

That planning application 12/00064/FUL be granted subject to:

(1) The completion of a Section 106 agreement stating that the applicant will fund any necessary traffic regulation orders

(2) Any appropriate planning conditions including the following:

- Submission of materials
- No amplified music
- No 'call to prayer'
- No more than eight people on site between designated morning opening hours and 0700 on any day
- The internal layout to remain as shown
- Motorcycle bays and secure cycle store are provided
- Opening hours restricted to 0600 until 0030 September to March inclusive) and 0430 to 0030 April to August (inclusive).
- Parking layout to be as shown
- Submission of a traffic management scheme to be updated on an annual basis.
- Display of signage requesting consideration be given to neighbouring residents

Planning Application 12/00385/FUL Land To The East Of Ettingshall Road And Ward Street, Ettingshall Bilston

57

Resolved:

That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00385/FUL subject to:

(i) Negotiation and completion of a Section 106 Agreement to include:

If viable:

- 25% of housing to be affordable,
- nature conservation
- phasing
- creation of public open space
- works to railway cutting
- reconfiguration of school playing fields
- canalside enhancement
- various highway works
- travel plan
- a scheme for targeted recruitment and training,
- 10% renewable energy
- public art

If not fully viable:

As above, but with a deferment in the requirements for affordable housing, renewable energy, public art and canalside enhancement commensurate with viability, until after the completion of those houses to the West of Ward Street. The deferred provision applying on a pro-rata basis to all houses ready for occupation within three years of the date of this Committee and the full contribution applying on a pro-rata basis to all those that are not ready for occupation at that time.

(ii) Any appropriate conditions including the following:

- Standard outline conditions
- Materials
- Drainage
- Noise Attenuation
- Ground remediation
- Tree survey and stability scheme
- Remediation measures
- Existing and Proposed Levels
- Waste Management Plan
- Landscaping implementation
- Boundary treatment
- Measures to reduce impact of construction on residents
- Implement recommendations of the habitat survey
- Implement recommendations of coal mining risk assessment

**Planning Applications 12/00284/FUL, 12/00317/VV and 10/00998/RC
Bankfield Works Greenway Road Wolverhampton**

Councillors requested that signage be erected explaining the industrial heritage of the area and were informed that this was already included in an existing section 106 agreement so could be added to the list of requirements.

58

Resolved:

12/00284/FUL

That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00284/FUL subject to:

(i) Signing of a deed of variation to the existing Section 106 Agreement or a new Section 106 Agreement as set out at below

(ii) Any necessary conditions to include:

- Landscaping
- Materials
- Phasing
- Limit hours of construction
- Archaeology
- Drainage
- Waste management

12/00317/VV

That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00317/VV subject to:

- (i) Signing of a deed of variation to the existing Section 106 Agreement or a new Section 106 Agreement as set out at below
- (ii) Variation of condition 2 of planning application 10/00625/REM
- (iii) Any relevant conditions from 10/00625/REM

10/00998/RC

That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 10/00998/RC subject to:

- (i) Signing of a deed of variation to the existing Section 106 Agreement or a new Section 106 Agreement as set out at below.
- (ii) Relevant conditions from the outline permission.

Section 106 Agreement requirement for the whole development:

- 10 flats for affordable rent
- Provision of acoustic bund, its removal when no longer required and the use of the land as POS
- Management company for communal areas
- Targeted training and recruitment

Section 106 Agreement requirement for each dwelling that is not ready for occupation within 3 years from the date of this Committee, on a pro-rata basis:

- 25% affordable dwellings
- 10% renewable energy
- Public art
- POS and play contributions as set out at 10.6 (BCIS indexed)

Planning Application 12/00413/FUL Land Adjacent To 14 And 25 Purcel Road Wolverhampton

59

Resolved:

That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00413/FUL subject to:

(i) Negotiation and completion of a Section 106 Agreement to include:

- 25% affordable housing
- Public open space contribution
- Targeted recruitment and training

(ii) The following conditions:

- Materials
- Drainage

- Noise attenuation
- Tree survey and stability scheme
- Existing and proposed levels
- Waste management plan
- Landscaping
- Measures to reduce impact of construction on residents
- 10% renewable energy

Planning Application 12/00452/FUL Former Drill Hall 184 Stafford Street Whitmore Reans Wolverhampton

The Committee was informed that since the report had been written satisfactory air quality and noise mitigation measures had been agreed in principle and could be implemented through the addition of a condition to any permission granted.

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Resolved:

That the Interim Strategic Director for Education and Enterprise be given delegated authority to grant planning application 12/00452/FUL subject to:

1. A Section 106 Agreement to secure open space/play contribution (BCIS indexed)
2. Any appropriate conditions to include:
 - Refuse storage/collection
 - Submission of a scheme for ventilation and odour control to be approved before first use or occupation
 - Noise mitigation
 - Details of cycle/motorcycle storage facilities
 - No external meter boxes, vents, flues, aerials, satellite dishes etc without written approval.
 - Samples of all new external materials to be used should be submitted and approved in writing by the Council before any works are commenced.
 - air quality and noise mitigation measures

Planning Application 12/00003/FUL 84 Woodthorne Road South Wolverhampton

Mr Tweedale spoke in opposition to the application.

61

Resolved:

That consideration of Planning Application 12/00003/FUL be deferred to enable a site visit to be held prior to the next meeting of the Committee

Planning Application 12/00471/FUL 476 - 478 Stafford Road Wolverhampton

Mr Ahmed spoke in opposition to the application.

Mr Miah spoke in support of the application

Councillors welcomed the reuse of a vacant premises but expressed concern that no takeaway use should be allowed from the premises and were informed that if such use did occur enforcement action would be considered. Councillors also requested that as the proposed car parking at the rear gave access to some light industrial units CCTV cameras be installed to increase security.

62

Resolved:

That planning application 12/00471/FUL be granted subject to the following conditions:

- Restriction the use of the site to 'A3 Restaurant and Cafes' use only (no 'A5 Hot Food Takeaway' use)
- Restriction on opening hours (6pm to 11pm 7 days a week)
- Restriction on the timing of deliveries to the premises
- Requirement to install and maintain the ventilation system.
- Requirement to install a bin store facility.
- Requirement to install directional signage to the car park
- Parking area to be marked out and made available at all times, and retained in perpetuity
- Provision of CTV cameras covering the rear car parking area.

Planning Application 12/00666/PA Land Opposite Dixon House Cleveland Road Wolverhampton

63

Resolved:

That prior approval 12/00666/PA is given, subject to standard conditions

Planning Application 12/00773/PA Land Rear Of 41 Lichfield Street, Bow Street Wolverhampton

64

Resolved:

That prior approval 12/00773/PA is given, subject to standard conditions

Planning Application 12/00565/TEL The Kings C Of E School Regis Road Wolverhampton

Mr Hosker spoke in support of the application

The Section Leader reported receipt of five additional letters and a petition in opposition to the development

65

Resolved:

That application for prior approval reference 12/00565/TEL is given for the siting and appearance of the proposed telecommunications equipment.

Planning Application 12/00171/FUL Niphon Works 43 - 68 Lower Villiers Street Wolverhampton

Having declared an interest Councillor Banger left the room and took no part in the consideration of this application.

Councillors welcomed the proposal to bring the building back to use and requested that in view of the historical significance of the building the Conservation Officer be requested to assist the applicant in identifying any funding sources which would help preserve the character of the building.

66

Resolved:

That the Interim Strategic Director of Education and Enterprise be given delegated authority to grant planning application 12/00171/FUL subject to;

1. Receipt of satisfactory details in respect of protection of residential amenity from adjoining commercial uses.
2. Receipt of satisfactory details in respect of parking and highway safety.
3. Confirmation that the developer will cover the costs of on-highway works and traffic orders associated with the scheme.
4. Any necessary planning conditions including;
 - Landscape details and implementation.
 - Highway works details and implementation
 - Provision of car/cycle/motorcycle parking
 - Contamination report
 - Architectural details
 - Implementation of mitigation measure which may be agreed.
 - Photographic record to be made of all original features.

Consultation From Other Local Authorities For Committee Consideration

The Interim Strategic Director Education and Enterprise submitted a report on a consultation from South Staffordshire District Council on a Planning Application submitted within their area which may have an impact on Wolverhampton.

67

Resolved:-

That no objection be submitted to the proposed development

Planning Applications Determined Under Officer Delegation, Withdrawn etc

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 had been withdrawn by the applicant, or determined in other ways .

- 68 Resolved:-
That the report be received.

Planning Appeals

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.

- 69 Resolved:-
That the report be received.

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 7 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.

Enforcement Update

The Interim Strategic Director Education and Enterprise submitted a report on details of a number of Planning Enforcement cases in which councillors had expressed an interest or are of public significance.

Members asked a series of questions relating to the progress of the enforcement action.

- 70 Resolved:-
That the report be received