

# MINUTES

meeting: **PLANNING COMMITTEE**

date: **6 November 2012**

## **PRESENT:-**

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

## **OFFICERS IN ATTENDANCE:-**

### **Delivery Directorate**

L Delrio - Solicitor  
J Wright - Democratic Support Officer

### **Education and Enterprise Directorate**

S Alexander - Head of Planning  
N Edwards - Assistant Director - Regeneration  
M Gregory - Section Leader - Planning  
A Murphy - Section Leader - Planning  
M Page - Section Leader - Transportation  
R Pitt - Senior Planning Officer

**Wolverhampton**  
City Council



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

101      **Apologies for Absence**

None

**Declarations of Interest**

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<b><u>Agenda Item No</u></b>	<b><u>Subject</u></b>	<b><u>Councillor/Officer</u></b>	<b><u>Interest</u></b>
7	Planning Application 12/01039/VV 106 Birmingham Road Wolverhampton	Banger	Non Pecuniary - is member of the Gym
7	Planning Application 12/01039/VV 106 Birmingham Road Wolverhampton	Hardacre	Non Pecuniary – Wife is member of gym
7	Planning Application 12/00959/FFUL Lidl Finchfield Hill Wolverhampton	Hardacre	Non Pecuniary – Relative is store manager
7	Planning Application 12/00899/RP 40 Gerrard Road Wolverhampton	Leach	Non Pecuniary – knows the applicant

**Minutes**

103

Resolved:-

That the minutes of the meeting held on 2 October 2012 be approved as a correct record.

**Matters Arising**

104

None

**Consideration modification of planning permission 07/01087/FUL  
Victoria Halls, Culwell Street**

The Committee considered a report on whether to modify Planning Permission 07/01087/ful to remove approval for Block D of Victoria Halls, Culwell Street.

The Head of Planning explained this was a complex matter and the report set out a balance of carefully considered planning issues with a clear recommendation. He reported receipt of three representations: from the Health and Safety Executive, Carvers and from Victoria Halls; reminding Committee that the contents of the representations had been summarised in a written note. He advised Committee that having taken into account the issues raised in these representations, including very careful consideration of the advice from the Health and Safety Executive, the conclusions in the report were unchanged and the recommendations remained as printed.

Councillors considered the report and commented that in their view the benefits of the scheme outweighed the very small risk.

105 Resolved:-

That planning permission 07/01087/FUL not be modified so as to remove approval for block D of Victoria Halls, Culwell Street

#### **Schedule of Outstanding Minutes**

106 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 12/01081/FUL 1 Cherrington Gardens, Wolverhampton**

The Section Leader reported receipt of a letter from Councillor Photay in support of those opposing the application.

Mrs Williams spoke in opposition to the application.

Whilst some Councillors expressed their opposition to the proposal there was recognition that in planning terms there were no sustainable grounds to refuse the application.

107 Resolved:-

That planning application 12/01081/FUL be granted, subject to standard conditions including;

- Landscaping
- Sustainable Drainage
- Materials
- Parking Provision
- Restrict hours of operation during demolition and construction
- Removal of permitted development for enclosure of the frontage

**Planning Application 12/00899/RP 40 Gerrard Road  
Wolverhampton**

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

Mrs Mainn spoke in opposition to the application.

Mr Upton spoke in support of the application

Councillors considered that because of the issues raised by both speakers it would be useful for the Committee to visit the site.

108 Resolved:-

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

**Planning Application 12/00784/FUL The Claregate Public House, 34  
Codsall Road Wolverhampton**

The Senior Planning Officer reported receipt of two additional letters of objection and a letter from the Tettenhall Community Council.

Mr Mayer spoke in opposition to the application.

Mr Robson spoke in support of the application

Some Councillors expressed their opposition to the applications support for the pedestrian crossing that had been requested by residents. There was also concern that the proposed opening hours of the store were excessive.

Officers advised the Committee that the proposal itself would not generate enough pedestrian traffic to justify the need for a crossing to be provided and therefore it could not be requested to be provided by way of a Section 106 agreement. However there was awareness of a road safety concern along that stretch of highway which was being monitored by Transportation officers. Councillors felt that a crossing should be provided by way of a condition.

The Committee was advised that as the land on which a cross could be provided was outside the boundary of the application site, any condition relating to the provision of the crossing would need to be worded in a way which prevented the development being in place until the crossing had been provided.

109 Resolved:-

That Planning Application 12/00784/FUL be granted, subject to the following conditions:

- No development to take place until a pedestrian crossing is provided
- Architectural details
- Landscaping and boundary treatment

- Cycle/motorcycle storage and provision of disabled parking
- Delivery and refuse collection details
- Restrict maximum delivery vehicle size
- Details of vents, flues, plant and machinery
- No additional vents, flues, plant, machinery without prior approval
- No external shutters/obscuring of windows
- CCTV and lighting details
- Bin stores
- Measures to mitigate impact of construction on residents
- Opening hours limited to 10pm Monday to Sunday

**Planning Application 12/00925/FUL Danescourt, Danescourt Road, Wolverhampton**

Mr Randles spoke in opposition to the application.

Some councillors felt that the proposed design was of a poor quality and did not fit in the surrounding buildings.

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Resolved:-

That the Interim Director for Education and Enterprise be given delegated authority to grant planning application 12/00925/FUL subject to:

(i) Completion and submission of satisfactory bat and badger surveys and appropriate mitigation measures.

(ii) Negotiation and completion of a S106 to include:

For the whole development:

- a scheme for targeted recruitment and training
- Management of communal amenity area

If viable:

- 25% affordable housing,
- public open space compensation
- 10% renewable energy
- public art

If not viable:

A reduction in the requirements for public art, public open space/play contribution, renewable energy and affordable housing, commensurate with the lack of viability demonstrated, on a pro-rata basis for all dwellings that are ready for occupation within 3 years from the date of this Committee.

(iii) Conditions to include:

- Materials
- Architectural details
- Landscaping
- Boundary treatment
- Nature Conservation
- Drainage
- Site waste management plan

- Bin stores for the apartments
- Cycle and motorcycle parking for the apartments
- Measures to reduce the impact of construction of the development on local residents
- Realignment of the boundary wall to improve visibility

**Planning Application 12/01152/FUL Asia Takeaway And Restaurant, Great Hampton Street Wolverhampton**

111

Resolved:-

That Planning Application 12/01152/FUL be granted with relevant conditions including;

- External Materials
- Drainage
- Provision and retention of car parking and vehicular circulation system
- Cycle/motorcycle storage and provision of disabled parking
- External lighting
- Servicing and refuse details
- Bin storage
- Operational hours during construction
- Restrict shop to A1 (retail) use
- Boundary treatments No external plant, ventilation equipment, meter Boxes, vents, flues, aerials, satellite dishes etc without the written approval of the local planning authority
- Hours of opening and deliveries
- No external shutters/obscuring of shop front windows
- Sound insulation between the business outlet and the adjoining living accommodation above
- Details of vents/flues/plant or machinery
- Obscure glazing for first floor landing window overlooking 197 Staveley Road

**Planning Application 12/01039/VV 106 Birmingham Road Wolverhampton**

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

112

Resolved:-

That Planning Application 12/01039/VV be granted, subject to relevant conditions from planning permission 12/00379/VV.

**Planning Application 12/00652/FUL Wentworth Lodge Residential Home, Wentworth Road Wolverhampton**

Mr Parkes spoke in opposition to the application.

Some Councillors expressed concern that the plans for the car parking may not be to scale and that the site may not be able to accommodate the proposed number of parking spaces.

- 113 Resolved:-  
That consideration of the application be deferred to a enable a reassessment of the proposed car parking spaces.

**Planning Application 12/01158/TEL Oaks Crescent, Adjacent To 23A Merridale Road Wolverhampton**

- 114 Resolved:-  
That prior approval of application reference 12/01158/TEL is given, subject to standard conditions.

**Planning Application 12/00959/FUL Lidl, Finchfield Hill, Wolverhampton**

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

The Section Leader informed the Committee that since the report had been written Lidl had submitted a revised landscaping and one of the two proposed reasons for refusal could be deleted.

Mrs Coleman spoke in opposition to the application.

Members of the Committee expressed their opposition to the application.

- 115 Resolved:-  
That Planning Application 11/000962/FUL be refused, for the following reason:

The proposed demolition of the dwelling 42 Finchfield Hill (Fern Place), a heritage asset and replacement with the food store extension would be seriously detrimental to the street scene and character of the area. The proposal would therefore be contrary to the NPPF; paragraphs 129-131 and 135, BCCS – ENV 2, UDP Policies HE1: Preservation of Local Character and Distinctiveness, HE20: Demolition of a Local List Building or Site, D4: Urban Grain, D5: Public Realm, D6: Townscape and Landscape and D9: Appearance.

**Planning Application 12/00745/FUL The Arcade, High Street, Tettenhall Wolverhampton**

- 116 Resolved:-  
That planning application 12/00745/FUL be granted subject to the following conditions:  
• Hours of use 0900 - 1800 Mon – Sat and 1000-1500 on Sundays

**Planning Application 12/00820/FUL 1 Market Street, Wolverhampton**

The Section Leader reported that whilst the applicant had indicated a willingness to modify the application no supporting

documentation had been received. Only one crime report had been made which related the rear of the property.

117

Resolved:-

That planning application 12/00820/FUL be refused for the following reasons:

- The applicant has failed to demonstrate that the property has been the subject of a severe and persistent security or vandalism problem.
- The shutters have an adverse effect on the vitality and viability of the City Centre and are contrary to BCCS Polices CSP4 and ENV3 and UDP Polices. D4, D6, D9, D10 and CC4

**Planning Application 12/01038/VV 59 Pendeford Avenue  
Wolverhampton**

Some councillors expressed the view that as this application was very similar and in close proximity to the next application the proposed condition should be modified to enable both premises to open for the same hours.

The Committee was reminded that they should consider each application separately and judge each on its merits.

118

Resolved:-

That Planning Application 12/01038/VV be granted in part with all previous and relevant conditions attached and the following varied condition;

- The use hereby permitted shall not be open to customers and there shall be no food collection or deliveries outside the following times 1200 hours to 2200 hours on Mondays to Saturdays. The premises shall remain closed, for the use hereby permitted, on Sundays and Bank or Public Holidays

**Planning Application 12/01090/VV 51A Pendeford Avenue  
Wolverhampton**

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Resolved:-

That Planning Application 12/01090/VV be granted in part with all previous and relevant conditions attached and the following varied condition;

- The use hereby permitted shall not be open to customers and there shall be no food collection or deliveries outside the following times 1200 hours to 2200 hours on Mondays to Saturdays. The premises shall remain closed, for the use hereby permitted, on Sundays and Bank or Public Holidays

**Planning Application 12/00924/FUL 3 Raynor Road Wolverhampton**

Mrs Gibbs spoke in opposition to the application.

Some Councillors expressed concern at some of the issues raised by Mrs Gibbs and in particular the opening hours, the siting of the flue and bin storage.



- 120 Resolved:-  
That consideration of the application be deferred to enable a site visit to take place prior to the next meeting of the Committee

**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 .

- 121 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.

- 122 Resolved:-  
That the report be received.

**Consultations from Local Authorities**

The Interim Strategic Director Education and Enterprise submitted a report on a consultation from Dudley MBC on a planning application which was close to the boundary of the City. The report detailed the response to the consultation submitted by officers on behalf of the Council.

- 123 Resolved:-  
That the report be received.