

Planning Committee

Minutes - 29 September 2015

Attendance

Councillors

Cllr Linda Leach (Chair)
Cllr Harman Banger (Vice-Chair)
Cllr Greg Brackenridge
Cllr Dr Michael Hardacre
Cllr Keith Inston
Cllr Jasbir Jaspal
Cllr Phil Page
Cllr John Rowley
Cllr Judith Rowley
Cllr Wendy Thompson
Cllr Jonathan Yardley

Employees

Stephen Alexander	Head of Planning
Lisa Delrio	Senior Solicitor
Martyn Gregory	Section Leader
Alison Dennett	Interim Democratic Support Manager
Carl Craney	Democratic Support Officer
Charlotte Morrison	Section Leader
Andy Fisher	Tree Officer
Phillip Walker	Planning Officer
Andrew Johnson	Planning Officer
Tracey Homfray	Planning Officer
Tim Philpott	Lead Transport Officer
Tom Podd	Planning Officer
Colin Noakes	Planning Officer
Emma Waites	Environmental Health Officer

Part 1 – items open to the press and public

Item No. *Title*

1 Apologies for absence

An apology for absence had been received from Cllr Bert Turner.

2 Declarations of interest

Cllrs John and Judith Rowley declared non pecuniary interests in Item No 6 (Planning application 15/00/RC Aldi, Goldthorn Hill, Wolverhampton) as co

signatories to a letter of objection to the application and withdrew from the meeting during the consideration of the item.

Cllr Jonathan Yardley declared a personal interest in Item No 14 (Planning application 15/00497/FUL and 15/00832/FUL Former Tettenhall Wood Special School, School Road inasmuch as he was acquainted with the applicant).

3 Minutes of the previous meeting

Resolved:

That the minutes of the meeting held on 21 July 2015 be confirmed as a correct record of the proceedings and be signed by the Chair.

4 Matters Arising

There were no matters arising from the minutes of the meeting held on 21 July 2015.

5 Confirmation of TPO at 34 Riley Crescent

Mr Mahli spoke in opposition to the confirmation of the Tree Preservation Order.

Cllrs John Rowley and Phil Page spoke in support of the confirmation of the Tree Preservation Order.

Resolved:

That the Tree Preservation Order be confirmed.

6 Planning application 15/00100/RC Aldi, Goldthorn Hill, Wolverhampton

(Cllr John and Judith Rowley withdrew from the meeting during the consideration of this item)

Mr D Ryley spoke in opposition the application.

Mr Richard Conway spoke in favour of the application.

Following a question from Cllr Greg Brackenridge, Anna Waites, Environmental Health Officer reported on discussions between the Applicant and the Council with a view to reducing any noise nuisance to be experienced by adjoining owners which had resulted in a revised application which was unlikely to be detrimental to adjoining owners. Cllr Greg Brackenridge queried whether the Applicant was currently using all of the hours permitted under the existing planning permission for deliveries. Charlotte Morrison, Section Leader, advised that this was a matter for the Applicant and not the Council as the Local Planning Authority. Cllr Harman Banger reminded the Committee that the planning application should be determined on its merits and that it was not for the Committee to determine the operating procedures of the Applicant but to consider the likelihood of any acoustic problems which would be detrimental to adjoining owners. Cllr Wendy Thompson commented that she had experience of similar operations at supermarkets within her Ward and that it was for the Applicant to comply and for the Council to enforce compliance.

Resolved:

That planning application 15/00100/RC be granted.

7 Planning application 15/00616/FUL Arts and Drama Centre, Wolverhampton Grammar School, Merridale Lane, Wolverhampton

Resolved:

That planning application 15/00616/FUL be granted, subject to any appropriate conditions including:

- Tree protection;
- Travel plan;
- Staff and performer use only.

8 Planning application 15/00617/FUL Arts and Drama School, Wolverhampton Grammar School Merridale Lane Wolverhampton

Cllr Dr Michael Hardacre commented that at the last meeting of the Committee the application had been deferred, inter alia, for further consideration of the travel plan. He reminded the Committee that in the event that the application was approved it would only then be possible to establish whether the travel plan was complied with and if local residents were inconvenienced in any way.

Resolved:

That planning application 15/00617/RC be granted, subject to any appropriate conditions including:

- Ancillary use (no changes of use from education facility);
- No more than a total of 75 evening performances in a calendar year;
- Hours of operation;
- Obscurely glazed rear windows;
- Travel plan;
- Accordance with approved acoustic report.

9 Planning application 15/00872/FUL 270 Newhampton Road East

The Chair, Cllr Linda Leach, reminded the Committee that letters in relation to this application had been sent to members of the Committee and of the need to have an open mind during the determination of the application.

Cllr Lynne Moran (a Non Member of the Committee) spoke in support of the application.

Cllr John Rowley commented that the causation of the incidents at the property could only be speculated upon and could not be considered during the determination of the application. Furthermore, he informed the Committee that the general appearance of the property had been improved significantly under the ownership of the applicant. He suggested that further discussions be held between the applicant and the Council. Colin Noakes, Planning Officer, reported that several meetings had been held with the applicant to seek to secure an acceptable outcome to both parties but he was willing to continue discussions.

Cllr Wendy Thompson advised the Committee that neither she or her colleagues had received any letters in relation to the application and was unaware of any political activities at the building or politically motivated attacks. Similarly, she had been unaware that the building was situated in a Conservation Area and had sympathy with the applicant in attempting to protect the property. She suggested that the installation of internal shutters could provide an acceptable compromise. The Planning Officer reported that this had been discussed with the applicant but was not acceptable to him.

Cllr Greg Brackenridge echoed the sympathy with the applicant but opined that the installation of external shutters would not have prevented an arson attack and, indeed, could have made the incident worse.

Resolved:

That planning application 15/00872/ FUL be refused for the following reason: The proposed external shutters are of a poor design and will appear as bulky and crude additions to the shopfront. The shutters, when closed, would present a blank and forbidding appearance creating a deadening effect on the streetscene, thus promoting the fear of crime. The proposed development also fails to preserve or enhance the features that contribute positively to the character and appearance of the conservation area in which the property sits. The proposed development is therefore contrary to Black Country Core Strategy policies ENV3 Design Quality and CSP4 Place Making and UDP policies D3 Urban Structure, D4 Urban Grain, D6 Townscape and Landscape, D9 Appearance and HE5 Control of Development in a Conservation Area.

10 **Planning application 15/00374/FUL Garage site behind 76 - 84 Snape Road, Wolverhampton**

Tracey Homfay, Planning Officer, reported that the Coal Authority had confirmed that a Risk Assessment was not required and had no objections to the application.

Ms Janine Myatt spoke in opposition to the application.

Cllr Judith Rowley enquired as to whether it was possible to impose any conditions to mitigate the noise emanating from the opening and closing of the containers. The planning Officer reported that the Environmental Health Department had only suggested conditions relating to the time of delivery of the containers.

Cllr Wendy Thompson referred to the previous planning history of the site and enquired whether the proposed bungalow development could be pursued. The Planning Officer explained that there were a number of underground constraints including sewers crossing the site which had resulted in this proposal not being progressed.

Resolved:

That planning application 15/00374/FUL be granted and any appropriate conditions including:

- Garage court use (no commercial letting or commercial activity)
- No vertical stacking of containers (single storey only)
- Boundary treatments

- Materials/Maintenance
- Security
- Hours of construction

11 Planning application 15/00727/FUL Garage site behind 3 to 23 Lower Vauxhall

Resolved:

That planning application 15/00727/FUL be granted subject to any appropriate conditions including:

- Approval and submission of all materials and joinery
- Sample panel of external brickwork including mortar type, mix and pointing finish
- Large scale architectural details
- Site investigation
- Removal of permitted development rights
- Restrict first floor windows facing properties in Lower Vauxhall
- Operational hours

12 Planning application 15/00715/FUL Henleaze Stockwell End

Tom Podd, Planning Officer, reported that eight letters of objection had been received in relation to the amended plans, the grounds being similar to those in relation to the existing plans.

Mr Graham Onions spoke in support of the application.

Resolved:

That application 15/00715/ FUL be granted subject to conditions including:

- Materials
- Landscaping (including boundary treatments and hard surfaces)
- Large scale architectural drawings
- Removal of pd for side facing windows/obscure glazing
- Operational hours.

13 Planning application 15/00518/FUL Tettenhall College, Wood Road, Wolverhampton

This item was removed from the Agenda.

14 Planning application 15/00497/FUL and 15/00832/FUL Former TettenhallWood Special, School Road

Phillip Walker, Planning Officer reported receipt of an additional letter of objection to the application.

Cllr Wendy Thompson commented that the revised application was much improved especially as it retained the original Victorian School building. She acknowledged that the property nearest to 16 Woodland Avenue had now been moved a further two metres back but enquired whether this would have any impact on the light enjoyed by this property. The Planning Officer reminded the Committee that at the original site visit he had been able to confirm that the siting was acceptable but that the proposed property had now been moved further back and was some 22 metres from the rear elevation of 16 Woodland Avenue. No windows would overlook the rear garden and there had been buildings on the site previously. Cllr Wendy Thompson enquired as to the height of the proposed property. Stephen Alexander, Head of Planning, explained that all aspects of the application had been considered and the test applied as to whether the enjoyment of the garden would be affected and also the access to light. Over shadowing and access to sunlight had been considered and the view formed that the application was acceptable.

Resolved:

That the Service Director for City Assets be given delegated authority to grant planning applications 15/00497/FUL and 15/00832/FUL subject to:

1. A S106 agreement for the following (if the development is sufficiently financially viable):
 - Targeted recruitment and training
 - A management company to carry out management and maintenance of communal areas
 - Affordable housing, public open space/play contribution (BCIS indexed) and 10% renewable energy on a pro-rata basis for any dwellings that are ready for occupation within three years of the date that non-viability is confirmed with the full requirement applying to those that are not ready for occupation by that date.

If the development is not fully financially viable:

A reduction in Section 106 requirements (except for Targeted recruitment and training, management company) commensurate with the shortfall in viability on a pro-rata basis for all dwellings that are ready for occupation within 3 years of the date that a lack of viability is established, with the full (pro-rata) requirement falling on all dwellings that are not ready for occupation by that date.

2. Subject to any appropriate conditions including:
 - Materials
 - Refurbishment and future maintenance of bell tower
 - Levels
 - Landscaping
 - Boundary treatments
 - Construction management plan

- No construction outside hours of 0800-1800 including Monday-Friday, 0800-1300 Saturdays and at no times on Sundays or Bank Holidays
- Drainage
- Tree protection measures
- Provision and retention of car parking
- Cycle/motorcycle parking
- No windows in side elevations of dwellings at plots 18, 11, 12 and 17
- Noise attenuation between houses in converted school building
- Bin stores
- Contaminated land site investigation
- Highway works: Provision of no waiting restrictions on Tanfield Close and the removal of the existing school Traffic Regulation Order on School Road