

PLANNING COMMITTEE

Thursday, 13th November 2014 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Westley (Chairman)
Councillor Jeavons (Vice-Chairman)
Councillor Bird
Councillor P. Bott
Councillor Ditta
Councillor J. Fitzpatrick
Councillor Harris
Councillor Illman-Walker
Councillor Martin
Councillor Nawaz
Councillor Robertson
Councillor Rochelle
Councillor Sarohi
Councillor D. Shires
Councillor Underhill
Councillor Wade
Councillor Worrall

3789/14

Apologies

Apologies for non-attendance were submitted on behalf of Councillors Creaney and Perry.

3790/14

Minutes

Resolved

That the minutes of the meeting held on 16th October 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record, subject to having omitted the Councillor J Fitzpatrick after having declared an non-pecuniary interest in agenda item number 2 on the plans list, application number 14/0799/RM had left the meeting and had therefore not taken part nor voted on this application.

3791/14

Declarations of Interest

Councillor Bird declared a non-pecuniary interest item 1 on the plans list in relation to Branton Hill Quarry, 520 Chester Road, Walsall, WS9 0PU.

3792/14 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

3793/14 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

That the public be excluded from the meeting during consideration of the item set out in the private part of the agenda for the reasons set out therein of Section 100A of the Local Government Act, 1972.

3794/14 **119 Pool Hayes Lane, Willenhall**

The Chairman reported that this item had been withdrawn from the agenda due to an appeal being submitted by the applicant.

3795/14 **Development Performance Management Report**

The report of the Head of Planning and Building Control was submitted
(see annexed)

In relation to item number 3 on Appendix A relating to 74, 75 and 75 Stafford Street, Willenhall (Dainties), Councillor Underhill enquired of the progress to date. The Head of Planning and Building Control reported that officers were awaiting a new application.

With reference to Section 12.6 of the report – item number 4 – application number 12/1572/FL – change of use from agricultural to Cemetery, Councillor Martin enquired as to the Planning Inspectors reason for refusal. The Head of Planning and Building Control reported that the Inspector had considered and concluded that the need argument for the Cemetery had not been substantiated due to insufficient evidence of need.

In relation to number 18 on Appendix A relating to Ravenscourt Shopping precinct, Councillor Worrall enquired as to a Section 16 Notice and the timescales. In response, the Head of Planning and Building Control clarified that the Section 16 Notice had been required to establish all parties responsible for the land. He reported that officers were currently in discussions with the owners and that a report would be presented to the Business, Employment and the Local Economy Scrutiny and Performance Panel on Monday 24th November 2014 in response to a petition to Walsall Council.

Councillor Martin referred to item number 15 on Appendix A in relation to 11 Greenslade Road and enquired about timescales. The Planning Officer informed Committee that the Inspector had not made a site visit at that time and that officers would continue to pursue.

Councillor Robertson referred to item number 21 on Appendix A in relation to 1 Hallford Crescent and stated he hoped for a positive outcome.

Resolved

That the report be noted.

3796/14 Application List for Permission to Develop

The application list for permission to develop was submitted, together with the supplementary papers and additional information for items already on the plans list:-

(see annexed)

The Committee agreed first to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee.

The Chair, at the beginning of each item for which there were speakers, advised of the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded they had one minute left.

3797/14 Item No. 1 – 14/1146/RM – Reserved matters proposals pursuant to outline permission 06/0169/OL/E4 as extended by permission 11/1033/TE for residential development and construction of new access road for Branton Hill Quarry (considering access, appearance, landscaping, layout and scale of the residential development). Affecting Public Footpath Ald 38 and Ald 37 – 520 Chester Road, Walsall, WS9 0PU.

The Planning Officer advised the Committee of the background to the report and supplementary paper now submitted to seek approval of reserved matters

(see annexed)

The Committee then welcomed the first speaker on this application, Mr Wheat, who spoke in objection to the application.

The Committee then welcomed the second speaker on this application, Mr Lapworth, who spoke in support of the application.

The Committee then welcomed the third speaker on this application, Councillor Wilson, who also spoke in support of the application.

Councillor Nawaz arrived at this juncture of the meeting and therefore did not take part nor vote on this application.

There then followed a period of questioning by Members to the speakers and officers, primarily in relation to drainage concerns and the culvert. The Head of Planning and Building Control reminded Members that the principal of the application had already been agreed and that Members were to consider consent of the detail only. He reported that the application included a condition to prevent the commencement of any development on the site until satisfactory drainage details had been provided to the Environmental Agency and Severn Trent Water. A further query was raised in relation to the removal of permitted development rights relating to extensions to the properties.

Members considered the application further and Councillor Rochelle **moved** and it duly **seconded** by Councillor Harris:-

That planning application 14/1146/RM be granted, for the reserved matters, subject to conditions as contained within the report and supplementary paper now submitted, subject to no further representations raising new material considerations, and a condition to remove permitted development rights relating to extensions.

The Motion having been put to the vote was declared **carried**, with ten Members voting in favour and none against.

Resolved

That planning application 14/1146/RM be granted, for the reserved matters, subject to conditions as contained within the report and supplementary paper now submitted, subject to no further representations raising new material considerations, and a condition to remove permitted development rights relating to extensions.

Councillor Bird arrived at this juncture of the meeting.

3798/14 **Item No 9 – 14/1175/FL – Change of use from B1/B2 use to martial arts studio (class D2 use) – resubmission following refusal of 13/1244/FL – Unit 1A, Alvar Business Park, Straight Road, Willenhall, WV12 5QY**

The Planning Officer advised the Committee of the background to the report now submitted

(see annexed)

The Committee then welcomed the first speaker on this application, Mr. Zuccala, who spoke in support of the application.

The Committee then welcomed the second speaker on this application, Councillor I. Shires, who also spoke in support of the application.

There then followed a period of questioning by Members to the speakers and to officers including how many similar facilities were in the area, whether the facility would be more suitably sited within a town centre area, how long had the unit remained empty.

In response, officers reported they had adhered to planning policies to support the improvement and safeguarding of the vitality and viability of town and district centres by not diverting trade, the applicant had not provided sufficient evidence to show that it would not be viable to operate the enterprise from a town centre or Willenhall district centre and therefore the location proposed is against Walsall's Unitary Development Plan (UDP).

The Committee proceeded to discuss the application in detail, including how a number leisure facilities were located in out of town and district centre areas and that Willenhall would benefit from the type of facility, that the facility may reduce anti social behaviour and will bring into use an empty unit.

Councillor Worrall left at this juncture of the meeting and did not return.

Members considered the application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Illmann-Walker

That planning application 14/1175/FL be granted, on the grounds that the application will fulfil a local need, it will complement existing facilities in the area for young people and reduce anti social behaviour. Conditions to include hours of opening to be Monday to Friday – 4.30 p.m. to 9.00 p.m. and Saturday and Sunday – 10.00 a.m. to 2.00 p.m., parking to be agreed by Highways Officers, plus any further conditions as deemed necessary and suitable.

The Motion having been put to the vote was declared **carried**, with ten Members voting in favour and one against.

Resolved

That planning application 14/1175/FL be granted, on the grounds that the application will fulfil a local need, it will complement existing facilities in the area for young people and reduce anti social behaviour. Conditions to include hours of opening to be Monday to Friday – 4.30 p.m. to 9.00 p.m. and Saturday and Sunday – 10.00 a.m. to 2.00 p.m., parking to be agreed by

Highways Officers, plus any further conditions as deemed necessary and suitable.

Councillor Martin left at this juncture of the meeting and did not return.

Councillor Illman-Walker left the meeting.

Councillor Jeavons arrived at this juncture of the meeting.

3799/14 **Item No. 6 – 14/0874/OL – Outline application for a food convenience retail store (A1) with access only for consideration – former Pear Tree Cottage, Pear Tree Lane, Walsall, WS8 7NF**

Councillor Nawaz left the meeting

The Planning Officer advised the Committee of the background to the report now submitted:-

(see annexed)

The Committee then welcomed the only speaker on this application, Mr. Carter, who spoke in support of the application.

Councillor Nawaz returned to the meeting and therefore did not take part nor vote on this application.

There then followed a period of questioning by Members to the speaker and to officers, including whether the applicant had considered any alternative proposals, could the type and size of the delivery vehicles be regulated, introduction of double yellow lines or other parking restrictions, whether there was access to the site off the main road.

In response, officers confirmed that the Unitary Development Plan (UDP) Policy states the site must have accessible parking, the introduction of double yellow lines or other on-road parking restrictions may disperse and cause indiscriminate parking in the immediate residential streets, that convenience retail stores are generally supplied by multi-drop lorries and the proposed loading area would only allow for a transit van to manoeuvre comfortably, larger vehicles were likely to load outside at the front of the store on the busy highway.

Members considered the application further and Councillor Bird **moved** and it was duly **seconded** by Councillor Jeavons:-

That planning application number 14/0874/OL be deferred to allow further discussions between officers and the applicant to address the access and egress proposals

The Motion having been put to the vote was declared **carried**, with ten Members voting in favour and none against.

Resolved

That planning application number 14/0874/OL be deferred to allow further discussions between officers and the applicant to address the access and egress proposals

Councillor Illmann-Walker returned at this juncture of the meeting.

- 3800/14 **Item No. 2 – 14/1403/FL – Variation of condition A2, B3, B4 and B24 of planning application 14/0779/FL to provide minor alterations and elevation changes, to increase number of cinema seating to 1245 and to allow details of car parking strategy, waste/litter management to be submitted prior to first occupation of the building – Land South of Wolverhampton Street, Walsall**

Resolved

That planning application no. 14/1403/FL be approved, subject to conditions and completion of the Deed of Variation with a Section 106 as contained within the report and supplementary paper now submitted.

- 3801/14 **Item No. 3 – 14/1360/FL – Variation of condition 13 of planning permission 13/0960/FL for the material changes to ready mixed concrete plant and erection of conveyor – Midland Yard, Fairground Way, Walsall, WS1 4NU**

Resolved

That planning application number 14/1360/FL be approved, subject to conditions as contained within the report now submitted.

- 3802/14 **Item No. 4 – 14/0995/FL – Demolition of existing unit. Change of use from timber pallet and case manufacturers to form an extension to the existing Logistics Facility, and provision of 7 new car parking spaces and 12 lorry/trailer spaces and erection of a new vehicular canopy. (Affects public right of way Willenhall 50) – Asprays Transport Ltd and adjacent industrial premises (E Hammond), Noose Lane, Willenhall, Walsall, WV13 3AZ**

Councillor Illmann-Walker stated that the application was in the Willenhall South Ward and not the Willenhall North Ward as stated on the report.

Resolved

That planning application number 14/0995/FL be granted, subject to conditions as contained within the report.

- 3803/14 **Item No. 5 – 14/0807/FL – Construction of 18 no new dwellings – Site of former Dolphin Inn P.H., 210 Goscote Lane, Walsall, WS3 1PD**
Resolved

That planning application number 14/0807/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Councillor Ward left at this juncture of the meeting and did not return

- 3804/14 **Item No. 7 – 14/1205/OL – Outline application for residential development of 7 detached dwellings (access, layout and scale to be determined) – 47 Portland Road, Walsall, WS9 8NU**

Resolved

That planning application number 14/1205/OL be granted, subject to conditions, unless additional information is received that raises material planning issues.

- 3805/14 **Item No 8. – 14/1330/FL – Erection of warehouse building measuring 7.5 x 20 metres – M & J Mahoney and Son Ltd, Aldridge Road, Walsall, B74 2AS**

Resolved

That planning application number 14/1330/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

3806/14 **Item No. 10 – 14/1474/PNTEL – Replacement of existing 9.7m high telecommunication mast with 9.7m high telecommunication mast and additional equipment cabinet (1230mm x 400mm x 1032mm). – Telecommunications Equipment, Sneyd Lane, Bloxwich, Walsall, WS3 2LN**

Resolved

That planning application number 14/1474/PNTEL be granted, subject to conditions as contained within the report now submitted.

3807/14 **Item No. 11 – 14/0900FL - Part retrospective: Material amendment to planning permission 13/1138/FL to amend rear dormer windows – 131 Sneyd Lane, Walsall, WV11 2DX**

Resolved

That planning application number 14/0900/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and no new material planning matters arising following the re-consultation on the description of development.

3808/14 **Item No. 12 – 14/0953/FL - Erection of replacement detached 4 bed house and retention and extension to existing detached garage – 815 Sutton Road, Walsall, WS9 0QJ**

Resolved

That planning application number 14/0953/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted and subject to no new information raising new material issues.

3809/14 **PRIVATE SESSION**

Exclusion of Public

Resolved

That during consideration of the following item on the agenda, the Committee considers that the item for consideration is exempt information by virtue of the appropriate paragraphs of Part 1 of Schedule 12A of the Local Government Act, 1972 (as amended) and accordingly resolved to consider this item in private session.

3810/14 **Update on Enforcement Action Relating to Tree Preservation Orders.**

The report of the Head of Regeneration – Development and Delivery had Been submitted to Members.. The Regeneration Officer (Trees) advised the Committee of the background to the report.

The Committee then proceeded to discuss the application further and noted the progress made on the enforcement cases as set out in the report.

Termination of meeting

There being no further business, the meeting terminated at 7.50 p.m.

Signed:.....

Date:.....