

PLANNING COMMITTEE

Thursday, 26th June, 2014 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (Chairman)
Councillor P. Bott
Councillor Creaney
Councillor Ditta
Councillor J. Fitzpatrick
Councillor Harris
Councillor Illmann-Walker
Councillor Martin
Councillor Nawaz
Councillor Sarohi
Councillor Westley
Councillor Worrall

3684/14 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Bird, Jeavons, Robertson and Rochelle.

3685/14 Minutes

Resolved

That the minutes of the meeting held on 15th May 2014, a copy having previously been circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

3686/14 Declarations of Interest

Councillor Perry declared a non-pecuniary interest in agenda item number 6 – Confirmation of Tree Preservation Order number 6 of 2014 at Ryders Hayes School, Gilpin Crescent, Pelsall.

Councillor Worrall declared a non-pecuniary interest in plans list item number 9 – application number 14/0629/FL – erection of 5 x 2 bedroom houses with external works, car parking, private access road and landscaping on land off Radford Drive (former garage court), Shelfield, Walsall, WS4 1AE.

3687/14 Deputations and Petitions

There were no deputations introduced or petitions submitted.

3688/14 **Local Government (Access to Information) Act, 1985 (as amended)**

Resolved

There were no items to be considered in private session.

3689/14 **Confirmation of Tree Preservation Order number 6 of 2014 at Ryders Hayes School, Gilpin Crescent, Pelsall.**

The Chairman, having declared an interest in this item withdrew from the meeting during the consideration and determination of this item. In view of this, Councillor Harris acted as Chairman in his place during this period.

The report of the Head of Regeneration-Development and Delivery was submitted:-

(see annexed)

The Presenting Officer advised the Committee of the background to the report now submitted.

The Committee then welcomed the only speaker on this application, Councillor Longhi, who spoke in objection to the TPO.

There were no questions to the speaker.

There then followed a period of questioning by Members to the Officers which included whether root barriers would be suitable; which trees had the school hoped to remove and whether tree roots could damage drainage pipes.

In response, the Presenting Officer stated an initial survey would be required to ascertain if root barriers could be used; that the school had hoped to remove all four of the trees from the frontage of the school and that officers had accepted technical advice in relation to whether tree roots could damage drainage pipes.

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

The Committee proceeded to discuss the application further which included the environmental benefits to the children and the raised playground around the tree bases.

Members considered the application and Councillor Bott **moved** and it was duly **seconded** by Councillor Harris:-

That the application be deferred to allow further discussions to take place between officers and the school Head to seek a compromise.

The Motion having been put to the vote was declared **carried**, with 8 Members voting in favour and none against.

Resolved

That the application be deferred to allow further discussions to take place between officers and the school Head to seek a compromise.

Councillor Ditta arrived at this juncture of the meeting.

Councillor Perry back in the Chair.

3690/14 **84 Walhouse Road, Walsall, WS1 2BE**

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Planning Officer advised the Committee of the background to the report and supplementary paper now submitted. He informed Committee that development had exceeded permitted development rights and no planning application had been submitted.

Councillor Perry **moved** and it was duly **seconded** by Councillor Westley:-

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3;
- ii. That authority be granted to the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of injunctive proceedings in the event of a continuing breach of planning control;
- iii. That authority be granted to the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breaches the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour.

Resolved

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3;

- ii. That authority be granted to the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of injunctive proceedings in the event of a continuing breach of planning control;
- iii. That authority be granted to the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breaches the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

3691/14 **Land adjacent to 26 Bradley Lane, Wednesbury, WV14 8EP**

The report of the Head of Planning and Building Control was submitted.

(see annexed)

The Planning Officer advised the Committee of the background to the report and supplementary paper now submitted.

The Committee then welcomed the only speaker on this application, Mr Quince, who spoke in objection to the Enforcement Notice.

Members considered the report and Councillor Perry **moved** and it was duly **seconded** by Councillor Bott:-

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 to require remedial actions to be undertaken as shown below;
- ii. That authority be granted to the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice, the non-return of Requisitions for Information or a Planning Contravention Notice, and the institution of injunctive proceedings in the event of a continuing breach of control, in accordance with paragraph Part 3.2 – 6(a) (7) of the constitution;
- iii. That authority be granted to the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the Notice and plan, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour.

Resolved

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 to require remedial actions to be undertaken as shown below;
- ii. That authority be granted to the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice, the non-return of Requisitions for Information or a Planning Contravention Notice, and the institution of injunctive proceedings in the event of a continuing breach of control, in accordance with paragraph Part 3.2 – 6(a) (7) of the constitution;
- iii. That authority be granted to the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breach(es) the reason(s) for taking enforcement action, the requirement(s) of the Notice and plan, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

3692/14

79 Daisybank Crescent, Walsall, WS5 3BH

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

The Planning Officer advised Committee of the background to the report and supplementary paper now submitted.

Councillor Perry **moved** and it was duly **seconded** by Councillor Bott:-

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3;
- ii. That authority be granted to the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control.
- iii. That authority be granted to the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breaches the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour.

Resolved

- i. That authority be granted to the Head of Planning and Building Control to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions to be undertaken as shown below in 2.3;
- ii. That authority be granted to the Head of Planning and Building Control to institute prosecution proceedings in the event of non-compliance with an Enforcement Notice or the non-return of Requisitions for Information or a Planning Contravention Notice; and the decision as to the institution of Injunctive proceedings in the event of a continuing breach of planning control.
- iii. That authority be granted to the Head of Planning and Building Control, to amend, add to, or delete from the wording set out below stating the nature of the breaches the reasons for taking enforcement action, the requirements of the Notice, or the boundaries of the site, in the interests of ensuring the accurate and up to date notices are served.

3693/14 Hydesville Tower School, Broadway North, Walsall, WS1 2QG

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Resolved

That the report be noted.

3694/14 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.

3695/14 Item No.4 - 14/0237/FL – Refurbishment and conversion of existing building within service yard to ‘Home Shopping Pod’, provision of external freezer and cold store and erection of two loading canopies – Asda Stores Ltd, Woodall Street, Walsall, WS3 3JR.

The Planning Officer advised the Committee the application had previously been deferred to allow further negotiations between officers and the applicant in relation to abiding by condition 4 of the recommendations and to request representatives of the applicant to attend. He then advised the Committee of the background to the report now submitted:-
(see annexed)

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

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

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

There then followed a period of questioning by Members to the speakers and to officers including whether arctic lorries would abide by a time schedule; would the application create additional HGV deliveries; whether checks had been carried out with regards to noise levels.

In response, the speakers confirmed time schedules could be arranged with delivery drivers; that there would be no increase in HGV deliveries and that the small transit vans making home deliveries would be counterbalanced by customers not having to visit the store. The Planning Officer informed the Committee there was a condition regarding noise insulation measures contained within the recommendations and that noise surveys had been carried out previously which had been acceptable.

The Committee proceeded to discuss the application further and Councillor Perry **moved** and it was duly **seconded** by Councillor Harris:-

That planning application no. 14/0237/FL be granted, subject to an additional condition regarding a delivery management plan to be agreed with officers.

The Motion having been put to the vote was declared **carried**, with 8 Members voting in favour and none against.

Resolved

That planning application no. 14/0237/FL be granted, subject to an additional condition regarding a delivery management plan to be agreed with officers.

3696/14

Item No. 9 – 14/0629/FL – Erection of 5 x 2 bedroom houses with external works, car parking, private access road and landscaping – on land off Radford Road (former garage court), Shelfield, Walsall, WS4 1AE

Councillor Bott declared a non-pecuniary interest in this item as he is a whg Member and left the room and therefore did not take part nor vote.

Councillors Illmann-Walker, Nawaz and Creaney also left the room at this juncture of the meeting and therefore did not take part nor vote on this application.

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

(see annexed)

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

The Committee then welcomed the second speaker on this application, Miss Eaves, who also spoke in support of the application.

There then followed a period of questioning by Members to the speakers, including what type of consultation had taken place with local residents.

In response, the speaker confirmed that consultation had taken place and comments had resulted in the applicant making slight amendments to plans; that car parking was in line with Walsall's guidelines; that a fence would be installed should the wall be inadequate.

Members considered the application and Councillor Perry **moved** and it was duly **seconded** by Councillor Harris:-

That planning application no. 14/0629/FL be granted,
subject to conditions as contained within the report and
supplementary paper now submitted.

The Motion having been put to the vote was declared **carried**, with 6 Members voting in favour and none against.

Resolved

That planning application no. 14/0629/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.

Councillors Illmann-Walker, Bott and Creaney returned to the meeting.

3697/14

Item No. 10 – 13/0637/FL – Redevelopment of existing petrol filling station to include the provision of a new sales building, canopy, fuel pumps, fuel tanks, boundary treatments, with associated hard and soft landscaping and ancillary arrangements to the forecourt following demolition of existing petrol filling station - Foley Service Station, 1 Beacon Hill, Walsall, WS9 0RH

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

(see annexed)

The Committee then welcome the first speaker on this application, Miss. McDonald, who spoke in objection to the application.

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

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

There then followed a period of questioning to the speakers in relation to whether the ATM machine could be installed within the building and if the air pump use could be time restricted due to noise to neighbouring homes.

In response, the speaker stated the applicant felt the ATM machine should be outside the building and that a condition had been included in relation to all machinery and equipment achieving and not exceeding a specified noise rating.

There then followed a period of questioning by Members to Officers which included whether officers could liaise with Centro to ascertain the possibility of moving the nearby bus stop. Members also enquired if a number of conditions could be added to the recommendations to include the hours of usage of the air pump to alleviate noise at certain times of the day; the provision of a waste bin with the waste collection to be between 7 a.m. and 7 p.m. and that the current opening hours are maintained.

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

That planning application number 13/0637/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted, and subject to:-

1. The hours of opening to remain 06.00 and 23.00 hours;
2. The provision of a waste bin;
3. Waste collection between the hours of 07.00 and 19.00 hours;
4. Air pumps to be controlled in hours.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour.

Resolved

That planning application number 13/0637/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted and subject to

1. The hours of opening to remain 06.00 and 23.00 hours;
2. The provision of a waste bin;

3. Waste collection between the hours of 07.00 and 19.00 hours;

4. Air pumps to be controlled in hours.

3698/14

Item No. 18 - 14/0267/FL – single storey rear extension and double storey rear extension – 81 Tame Street East, Walsall, WS1 3LB

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. Raza, who spoke in support of the application.

There then followed a period of questioning by Members to the speaker and officers, including whether there were similar extensions within the immediate area; if neighbours had been informed and if anyone had objected to the application.

In response, the speaker stated that his immediate neighbour had extended their home and that his neighbours had not objected. The Planning Officer confirmed that no objections had been received but the development did not conform with the Council's policies as set out in the supplementary planning document and the core strategy.

The Committee proceeded to discuss the application further and Councillor Ditta **moved** to grant the application due to the need to extend family homes. The Motion failed as it was not **seconded**.

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

That planning application number 14/0267/FL be refused.

The Motion having been put to the vote was declared **carried**, with 8 Members voting in favour and one against.

Resolved

That planning application number 14/0267/FL be refused.

3699/14

Item No. 19 – 14/0750/FL – Garage conversion to convert existing garage into bedroom and shower room space – 10 Ragstone Close, Bentley, Walsall, WS2 8TH

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. Athwal, who spoke in support of the application.

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

There then followed a period of questioning by Members to the speaker which included how many cars the families owned; whether carers would need to visit the property; if the applicant had considered a stair lift.

In response, the speaker confirmed that the family owned two cars; that carers would not need to visit the property; a lift in the property was not suitable as it would result in the loss of the fourth bedroom.

There then followed a period of questioning by Members to the Officers which included the number of parking spaces required; whether the application could be conditioned to allow the house frontage to be tarmaced.

In response, the Planning Officer stated that should the application be granted, the house would then become a five bedroom home and a previous application had failed to demonstrate that there is sufficient off street parking for two cars to park side by side on the drive, which would restrict disabled/emergency access to the home.

The Committee proceeded to discuss the application further and Councillor Perry **moved** and it was duly **seconded** by Councillor Martin:-

That planning application number 14/0750/FL be deferred to allow Officers to negotiate with the applicant to consider additional parking space on the front garden.

The Motion having been put to the vote was declared **carried**, with all Members voting in favour.

Resolved

That planning application number 14/0750/FL be deferred to allow Officers to negotiate with the applicant to consider additional parking space on the front garden.

3700/14

Item No. 1 - 14/0762/FL – Variation of condition 21 of planning consent 13/0206/FL to allow for substitution of plans– Vacant land off Wisemore, Walsall, WS1

Resolved

That planning application number 14/0760/FL be granted, subject to conditions and subject to no new material considerations which cannot be addressed through condition following consultation.

- 3701/14 **Item No. 3 - 14/0593/CM – Part change of use of parking area to asbestos waste transfer station – Unit 1, North Street, Walsall, WS2 8AU**
- Resolved**
- That planning application number 14/0593/CM be granted, subject to conditions as contained within the report.
- 3702/14 **Item No. 5 - 14/0696/MA –Non-material minor amendment to layout space and access points to planning permission 10/0297/OL – Outline application (considering access, scale and layout) for residential development – Land at Berkley Close and Cottle Close, rear of 31-59 Edinburgh Avenue, Bentley, Walsall**
- Resolved**
- Approve non-material amendment(s).
- 3703/14 **Item No. 6 - 14/0518/FL –Proposed change of use service station A2 to B2 general industrial B1 business – 1A High Street, Moxley, Wednesbury, WS10 8RX**
- Resolved**
- That planning application no. 14/0518/FL be granted, subject to conditions as contained within the report.
- 3704/14 **Item No. 7 - 13/1666/FL – Enlargement of 1 no 1 person bedsit to 1 bedroom person apartment with wheelchair space facilities, amended entrance to provide scooter and bin storage area and external brick storage sheds – Flats 38, 56, 74 and 92 Hadley Rod, Walsall**
- Resolved**
- That planning application no. 13/1666/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.
- 3705/14 **Item No. 8 - 14/0331/OL – Outline application for ejection of 2 dwellings (all matters reserved) – Former garage site, Green Lane, Walsall**
- Resolved**
- That planning application number 14/0331/OL be granted subject to conditions as contained within the report.

- 3706/14 **Item No. 11 – 14/0712/FL – Substitution of house type and garage on Plot 3 (previous planning permission 11/1188/FL). Revised application following refusal of application 13/1397/FL – 18 Little Aston Road, Aldridge, Walsall, WS9 0NN**
- Resolved**
- That planning application no. 14/0712/FL be granted, subject to conditions as contained within the report and supplementary paper now submitted.
- 3707/14 **Item No. 12 - 14/0454/FL – Erection of 1 no. dwelling house, formation of new vehicular access with associated works (re-submission of application 11/0232/FL – 350 Chester Road, Walsall, WS9 9DE**
- Resolved**
- That planning application no. 14/0454/FL be granted, subject to conditions as contained within the report.
- 3708/14 **Item No. 13 – 14/0681/FL – Single story extension to provide new nursery and reception classrooms, associated toilets, cloakroom; food prep area and meeting room – Watling Street JMI School, Watling Street, Walsall, WS8 7LW**
- Resolved**
- That planning application no. 14/0681/FL be granted, subject to conditions as contained within the report.
- 3709/14 **Item No. 14 - 14/0507/FL – Retrospective – Detached garage in rear garden – 398 Birmingham Road, Walsall, WS5 3NX**
- Resolved**
- That planning application no. 14/0507/FL be granted, subject to conditions as contained within the report.
- 3710/14 **Item No. 15 – 14/0504/FL – Single storey extension to side and rear of house – 178 Hall Lane, Walsall, WS9 9AR**
- Resolved**
- That planning application no. 14/0504/FL be granted, subject to conditions as contained within the report.

3711/14 **Item No. 16 – 14/0474/FL – Two storey side extension, single storey rear extension and loft conversion – 35 Walsall Road, Pelsall, Walsall, WS3 4DP**

Resolved

That planning application no. 14/0474/FL be granted, subject to conditions as contained within the report.

3711/14 **Item No. 17 – 14/0483/FL – Two storey side and single storey rear extension with new rear dormer – 105 Princes Avenue, Walsall, WS1 2DH**

The Chair informed Committee that this application had been withdrawn.

Termination of meeting

There being no further business the meeting terminated at 8.10 p.m.

Signed:.....

Date:.....